

# ARS □ ERS □ NASS □ NIFA

## *Manual*

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Management Program

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This manual describes the Research, Education, and Economics (REE) Safety, Health, and Environmental Management program, including Purpose and Scope, Organizational and Communication Structures, Roles and Responsibilities, Program Authorities, Education and Training Requirements, and Program Elements. **This issuance also reflects a new assigned number.**

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## **General**

### **1. Purpose**

This manual has been prepared to serve as a reference for management officials, supervisors, and employees. It incorporates elements of various laws, regulations, and executive orders (EOs) that require the head of each Federal agency to establish a Safety, Health, and Environmental Management (SHEM) program. When REE is operating in jurisdictions with more stringent safety, health, and environmental requirements, they will be applied.

The SHEM program is REE's plan to effect optimal achievement of error-free and, therefore, accident-free task performance that involves employee, machine, and environmental relationships. Within REE, the SHEM program encompasses the related functional areas of safety management, occupational health management, industrial hygiene, and environmental management. ARS has developed separate Radiation Safety and Biological Safety programs; however, these programs collaborate closely with the SHEM program.

### **2. Applicability**

The contents of this manual are applicable to all REE agencies; i.e., ARS, ERS, NASS, and NIFA, under the direction of the administrators whether accomplished by agency personnel, cooperators, or contractors. Exceptions to the provisions of this manual require the ARS Administrator's approval. Waivers will be documented and copies furnished to the next higher management level. In all instances, however, program coverage consistent with the intent of the pertinent provisions must be provided.

### **3. REE Policy Statement**

It is REE policy to eliminate or minimize losses incurred by the agencies, individual employees, and the general public as a result of actions or incidents involving or producing injury, illness, and property/environmental damage in the workplace by:

- Implementing the agencies' program for safety, health, and environmental management.
- Complying with the spirit and letter of Federal, State, and local safety, health, and environmental laws, regulations, EOs, and related standards, policies, etc.
- Establishing procedures to prevent accident-related losses for procurement, repair, storage, waste management/disposal, and salvage operations.

- Providing supervisory/employee education/training opportunities for communicating program function components.
- Properly assigning, directing, and training REE employees in SHEM related activities.
- Developing supervisory safety, health, and environmental related knowledge and skills.
- Compensating for human factors/errors that have an undesirable effect upon REE.
- Developing occupant emergency plans for emergency situations.
- Developing and implementing program promotional activities.
- Conducting hazard assessments to identify potentially hazardous conditions or adverse environmental consequences.
- Developing standard operating procedures that minimize or eliminate potentially hazardous conditions or adverse environmental effects.
- Protecting employees from hazardous conditions through isolation, guarding, shielding principles or substitution, or personal protective equipment.
- Developing policies and procedures that minimize or eliminate potentially hazardous conditions or adverse personal effects through chemical labeling, hygiene, proper storage and disposal, and by inventorying chemicals and hazardous substances/materials.
- Developing procedures for researching, measuring, and reporting of safety, health, and environmental related data.
- Developing programs for reviewing, inspecting/auditing, and complying with the SHEM program.
- Incorporating the SHEM program components into daily routines.

REE agencies will take appropriate action to correct deficiencies and provide a consistent level of program support to implement and maintain an acceptable SHEM program as required by Federal, State, and local laws and regulations.

## **Safety Management**

The objective of the safety management function is to furnish employees a work place that is free of recognized hazards that are causing or likely to cause death or serious physical harm.

## **Occupational Health Management**

The objective of the occupational health management function is to promote healthful working conditions by establishing programs to recognize, evaluate, and correct occupational health hazards.

## **Industrial Hygiene**

The objective of the industrial hygiene function is to protect the health and well-being of people by anticipating, recognizing, evaluating, and controlling adverse environmental conditions or stresses in the workplace.

## **Environmental Management**

The objective of the environmental management function is to develop, implement, manage and evaluate programs to:

- protect the human and natural environment;
- provide stewardship of natural and other resources under REE's control;
- prevent, control, and abate pollution at agency facilities;
- protect agency personnel from administrative, civil, and criminal penalties and liability; and
- comply with substantive and procedural environmental requirements associated with project planning, property disposal, facility construction, and operation and program execution.

## **Radiation Safety**

The Radiation Safety program is administered Department-wide by USDA's Radiation Safety Division (RSD) and the Office of National Programs (ONP). The objective of this program is to safeguard personnel, property, and the community at large from the potential hazards of radiation from all possible sources and, thereby, minimize legal risks associated with the presence or use of ionizing radiation. Specific program policy guidelines can be found in the USDA's Radiation Safety Handbook and on the RSD Web site.

## **Biological Safety**

The ARS Biosafety Officer administers the Biological Safety program within the ONP. The objective of this program is to prevent or minimize employee exposure or the accidental release to the environment of hazardous biological agents through the promotion of safe laboratory practices, procedures, and proper use of containment and facilities.

Manual 242.1, ARS Facilities Design Standards, Chapter 9, Biohazard Containment Design, addresses requirements and considerations for design of containment facilities. The chapter discusses hazard classification and choice of containment; architectural, mechanical, and electrical design features; testing and certification requirements for critical components of the

containment system; and bid document preparation. Specific program policy and guidelines can be found in the USDA Departmental Regulation (DR) 4400-007, Biological Safety Program; USDA Departmental Manual (DM) 9610-001, USDA Security Policies and Procedures for Biosafety Level 3 Facilities; DM 9610-002, USDA Security Policies and Procedures for Laboratories and Technical Facilities; and DR 9630-001, Policy and Procedures on Biohazardous Waste Decontamination, Management and Quality Controls at Laboratories and Technical Facilities.

## 4. Maintenance of this Manual

The Safety, Health, and Environmental Management Branch (SHEMB), Facilities Division (FD), is responsible for the issuance of any amendments to this manual. The manual will be updated as required to maintain compliance with new or revised Federal, State, and local laws, regulations, EO, and related standards, policies, etc.

Where references are made to Web sites, a hard copy will be made available to anyone not having access to the information. Contact your servicing location, Area, or Agency SHEM representative.

## 5. Definitions

The intent of this section is to promote a common understanding of technical terms and definitions. The following is a list of terms and definitions pertinent to the technology and practice of SHEM within the REE agencies.

- **Accident** - An unplanned event that causes injury, illness or property damage.
- **Hazard** - Chemical, biological, radiological, physical, or behavioral obstruction of safe task performance which might allow an unfavorable extent of chance danger, peril, or risk, resulting in losses.
- **Industrial Hygiene** - The scientific discipline devoted to protecting the health and well-being of people at work by anticipating, recognizing, evaluating, and controlling adverse environmental factors or stresses arising in the workplace.
- **SHEM Program** - REE's plan to effect optimal achievement of error-free and, therefore, accident-free task performance which involves employee, machine, and environmental relationships. Within REE, the SHEM program encompasses the related functional areas of safety management, occupational health management, industrial hygiene, and environmental management.



## 6. Authorities

Authority for programs to prevent accidents/incidents involving people, personal property, and the environment, with respect to the operations of the Federal Government, is provided in various laws, regulations, EO, and related standards, policies, etc. In some jurisdictions, more stringent State or local standards may govern mission activities. The following list contains only those minimum Federal requirements that apply REE-wide. Other authorities may be applicable.

The major authorities behind the SHEM program are:

- 7 CFR 1b, National Environmental Policy Act;
- 7 CFR 2, Delegations of Authority by the Assistant Secretary for Administration;
- 7 CFR 331, Possession, Use, and Transfer of Select Agents/Toxins;
- 7 CFR 520, Procedures for Implementing National Environmental Policy Act;
- 9 CFR 121, Possession, Use, and Transfer of Select Agents/Toxins;
- 10 CFR 19, Notices, Instructions, and Reports to Workers: Inspection and Investigation;
- 10 CFR 20, Standards for Protection Against Radiation;
- 10 CFR 30, Rules of General Applicability to Domestic Licensing of Byproduct Material;
- 20 CFR 10, Federal Employees' Compensation Act;
- 29 CFR 1605, Equal Employment Opportunity Commission;
- 29 CFR 1904, Recording and Reporting Occupational Injuries and Illnesses
- 29 CFR 1910, Occupational Safety and Health Standards;
- 29 CFR 1925, Safety and Health Standards for Federal Service Contracts;
- 29 CFR 1926, Safety and Health Regulations for Construction;
- 29 CFR 1928, Occupational Safety and Health Standards for Agriculture;
- 29 CFR 1960, Basic Program Elements for Federal Employee Occupational Safety and Health Programs;
- 40 CFR 1 to end, Protection of the Environment;
- 42 CFR 73, Select Agents and Toxins;
- 49 CFR 171 to 178, Hazardous Materials Regulations;
- 49 CFR 173, Shippers – General Requirements for Shipments and Packages;
- EO 12088, Federal Compliance with Pollution Control Standards;
- EO 12196, Occupational Safety and Health Programs for Federal Employees;
- EO 12372, Intergovernmental Review of Federal Programs;
- EO 12580, Superfund Implementation;
- EO 13112, Invasive Species;
- EO 13150, Federal Workforce Transportation;
- EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management;
- EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance;
- DM 5600-1, Environmental Pollution Prevention, Control, and Abatement;
- DM 9610-001, USDA Security Policies and Procedures for Biosafety Level-3 Facilities
- DM 9610-002, USDA Security Policies and Procedures for Laboratories and Technical Facilities

- DR 4410-004, Safety Management Program;
- DR 4430-003, Workers' Compensation Program;
- DR 9630-001, Policy and Procedures on Biohazardous Waste Decontamination, Management, and Quality Controls at Laboratories and Technical Facilities;
- P&P 115, Delegations of Authority;
- P&P 116, Freedom of Information Act and Privacy Act Guidelines;
- P&P 124.1-ARS, Radiation Safety Program ARS;
- P&P 134.2-ARS, Energy, Water, and Sustainability Policy;
- P&P 235.0-ARS, ARS Occupational Medical Surveillance Program;
- P&P 242.1M-ARS, ARS Facilities Design Standards;
- P&P 242.4M-ARS, Major Facilities Construction Manual
- P&P 245.1, Real Property Manual;
- P&P 251.8, Records Management;
- P&P 461.5, Misconduct, Discipline, and Adverse Actions;
- P&P 600.12-ARS, Guidelines and Precautions to Be Taken By Personnel in Storing, Using, Handling, and Disposing of Agricultural Chemical Pesticides; and
- HHS Publication No. (CDC) 21-1112, Biosafety in Microbiological and Biomedical Laboratories.

## 7. Abbreviations

- ACM - Asbestos-Containing Material
- AD - Area Director
- A-E - Architect-Engineer
- AFM - Administrative and Financial Management
- APD - Acquisition and Property Division
- ARS - Agricultural Research Service
- ASHM - Area Safety and Health Manager
- CAA - Clean Air Act
- CARE - Consolidated Assistance Review and Evaluation
- CDSO - Collateral Duty Safety Officer
- CEPS - Cluster Environmental Protection Specialist
- CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
- CFC - Chlorofluorocarbon
- CFR - Code of Federal Regulations
- CORE - Calendar of Reporting Events
- CWA - Clean Water Act
- DAAFM - Deputy Administrator, Administrative and Financial Management
- DAD - Deputy Area Director – Business Management
- DASHO - Designated Agency Safety and Health Official
- DM - Departmental Manual
- DR - Departmental Regulation
- EA - Environmental Assessment

- EAP - Employee Assistance Program
- EIS - Environmental Impact Statement
- EMS - Environmental Management System
- EO - Executive Order
- EPA - Environmental Protection Agency
- EPCRA - Emergency Planning and Community Right-to-Know Act
- ERS - Economic Research Service
- ESA - Environmental Site Assessment
- FAR - Federal Acquisition Regulation
- FD - Facilities Division
- FOIA - Freedom of Information Act
- FONSI - Finding of No Significant Impact
- FWS - Fish and Wildlife Service
- GSA - General Services Administration
- HWC - Hazardous Waste Cleanup
- IH - Industrial Hygiene
- MOU - Memorandum of Understanding
- MSDS - Material Safety Data Sheets
- NASS - National Agricultural Statistics Service
- NEPA - National Environmental Policy Act
- NIFA - National Institute of Food and Agriculture
- NRC - Nuclear Regulatory Commission
- OAR - Onsite Assistance Review
- ODS - Ozone-Depleting Substance
- OEP - Office of Extramural Programs
- OMSP - Occupational Medical Surveillance Program
- OSHA - Occupational Safety and Health Administration
- ONP - Office of National Programs
- OSH Act - Occupational Safety and Health Act of 1970
- OWCP - Office of Workers' Compensation Program
- P&P - Policies and Procedures
- PL - Public Law
- PPE - Personal Protective Equipment
- RCRA - Resource Conservation and Recovery Act
- REE - Research, Education, and Economics
- RPMB - Real Property Management Branch
- RSD - Radiation Safety Division
- SHEM - Safety, Health, and Environmental Management
- SHEMB - Safety, Health, and Environmental Management Branch
- SOW - Statement of Work
- USC - United States Code
- UST - Underground Storage Tank

## **8. SHEM Standards**

REE is committed to complying with applicable safety, health, and environmental standards. In order to achieve and maintain compliance, each organizational level must be aware of the standards and how they apply to their facilities and operations.

It is REE policy to adopt safety, health, and environmental standards associated with applicable laws, regulations, EOs, and related standards, policies, etc., listed in the Authorities Section of this manual. State and local governments may enact standards that are more stringent than Federal regulations. REE also adopts State, county, and other local standards where applicable.

### **Basic Responsibilities for Standards**

The detailed responsibilities of REE employees are clearly stated in Chapter 11, Responsibilities, of this manual. Basic responsibilities for safety, health, and environmental standards follow:

- The Chief, SHEMB, FD, acting under authority delegated by the ARS Administrator, will develop safety, health, and environmental policies and procedures for general application. The Chief will also serve as the primary interpreter of Federal, State, and local safety, health, and environmental related standards. The Chief will provide guidance and assistance necessary to ensure compliance with applicable safety, health, and environmental standards by program officials throughout REE.
- The Area Directors, Deputy Area Directors, State Directors, Center Directors, Research Leaders, and Location Coordinators will maintain, or have accessibility to, a complete and current set of applicable standards. The servicing location, Area, or Agency SHEM representative will be consulted when determining applicable standards for a given facility or operation. These officials will provide other managerial support of the requirements and ensure compliance through resource allocation and policies.
- The servicing location, Area, and Agency SHEM representatives will provide guidance and assistance necessary to ensure compliance with applicable safety, health, and environmental standards.
- Supervisory and managerial personnel will be knowledgeable of standards that apply to their work areas and will ensure that employees under their supervision know and follow applicable standards.
- Employees will be knowledgeable about and will follow the standards that apply to their areas of work.

### **Procedures for Standards Adoption**

EO 12196, Occupational Safety and Health Programs for Federal Employees, requires the Secretary of Labor to provide consultation to agencies as necessary and appropriate to ensure agency standards are consistent with OSHA standards.

To meet the requirements of EO 12196, REE agencies will adopt OSHA standards published at 29 CFR 1904, 1910, 1918, 1926, 1928, and 1960 as REE standards unless a request for an exception is submitted through the Designated Agency Safety and Health Official (DASHO) to the Department of Labor.

The DASHO will submit new safety and health standards that conflict with OSHA standards to OSHA for approval. Requests will include copies of the standard proposed for adoption arranged to correspond to appropriate subparts of OSHA standards; and information supporting the proposal (i.e., past accident experience, how the proposal is as effective as OSHA standards, and why the OSHA standards conflict with effective REE operations).

### **New, Amended, or Supplementary Standards**

The Chief, SHEMB, FD, through the DASHO, may amend or develop new standards for special application to working conditions and may adopt supplementary standards for application to working conditions for which no OSHA standard exists.

The above procedures will be followed when new, amended, or supplementary standards are required to address safety, health, and environmental issues.

### **Conflicting Standards**

Where REE employees are engaged in joint operations with other Federal agencies or primarily work in the facility of another agency, the ARS Administrator, or his designee, will consult with the head of the other agency to resolve potential conflicts between REE safety, health, and environmental standards and the standards of the other agency.

If REE owns the land and/or buildings of a facility shared with another Federal agency, State agency or university, or other cooperator, REE standards will prevail until conflicting standards are resolved and a memorandum of understanding, research agreement, or similar document is prepared.

When REE is required by law to comply with requirements of another Federal authority (e.g., GSA) and compliance conflicts with REE safety, health, and environmental standards, the ARS Administrator, or his designee, will inform the head of the Federal authority of the conflict so that efforts for resolution may be made.

### **Emergency Temporary Standards**

REE will adopt OSHA emergency temporary standards that apply to mission activities. Applicable management officials will immediately ensure that employees exposed to hazards receive the protection provided by OSHA emergency temporary standards.

OSHA emergency temporary standards will remain effective as REE standards until the Secretary of Labor publishes a permanent standard or REE standards are adopted which are consistent with these OSHA standards.

The Chief, SHEMA, FD, may develop emergency temporary standards when necessary to protect employees from imminent danger. The DASHO will notify appropriate USDA safety and health officials of final adoption, revision, modification, or revocation of REE safety, health, and environmental standards. The Chief, SHEMA, FD, will provide REE employees with instructions for obtaining current safety, health, and environmental standards applicable to their operations.

Other organizational levels may establish safety, health, and environmental criteria applicable to unique local working conditions, provided such criteria do not conflict with, and are not less stringent than, established REE standards. These criteria are not considered standards for the purposes of this manual.

### **Access to Standards**

At a minimum, each location will maintain a complete and current set of applicable safety, health, environmental, radiological and biological standards, as well as this manual, readily accessible to all employees. They may be available in either paper, electronic, or other media formats.

A list of all possible standards would be very long if all laws, regulations, EOs, standards, codes, departmental regulations, and P&Ps were included; therefore, only “applicable” standards need be maintained. “Applicable” refers to those regulations which a location has a regulatory obligation as well as those that are required in order to make a determination on whether the regulation applies, regardless if it does or not. For example, under the Emergency Planning and Community Right-to-Know Act (EPCRA), a location that stores hazardous chemicals on the premises needs the EPCRA regulation in order to make a determination on whether the types and quantities of hazardous chemicals they store are in excess of certain thresholds (i.e., if they are in excess, the location must report this information to the local emergency planning committee).

The location, Area, or agency safety, health, and environmental representative should be consulted when determining which standards apply.

### **Conformance to Standards**

Employees are expected to perform their duties in such a way as to prevent damage to property, the environment, or injury/illness to themselves or others. Employees who violate these standards will be subject to REE P&P 461.5, Misconduct, Discipline and Adverse Actions.

## **9. Organizational Structure, Communications, and Records Retention**

This activity is implemented at all REE organizational levels.

## REE Organizational Structure

Organizationally, there are three (3) tiers within REE, the Agency or Headquarters level, the Area level, and the location level. The safety, health, and environmental responsibilities were written so that they increase as they go up the chain-of-command.

**Agency level.** The REE Administrators have overall responsibility for the program within their agency. Within ARS, AFM, Facilities Division, Safety, Health and Environmental Management Branch, has several full-time SHEM professionals whose primary focus is to coordinate and administer the program within REE.

**Area level.** Within ARS, the Area Director has overall responsibility for carrying out the program within the Area. Responsibilities are generally shared between the Area Safety and Health Manager (ASHM) and the Cluster Environmental Protection Specialist (CEPS). These are full-time SHEM professionals whose primary responsibility is assisting location personnel with implementation of their programs.

**Location level.** Within ARS, the highest ranking official at the location has overall responsibility for the program at the location. The SHEM duties of location personnel vary from one location to another depending on the complexity of the program and at the discretion of the highest ranking official. Some locations have a full-time SHEM professional while other locations choose to administer their programs via committee. Other locations have a Collateral Duty Safety Officer(s) whose duties encompass the SHEM program. It should be noted that “collateral” personnel can be assigned no more than 20 percent of their time accomplishing these “other” duties. The highest ranking official may also designate personnel to expend smaller percentages of time. For example, many locations have various personnel serving specific roles such as hazardous waste coordinator, pesticide manager, emergency response coordinator, biosafety officer, etc.

## Internal Communications

Within REE, the lines of communication flow both up and down the chain of command. The agencies encourage personnel to communicate and share information.

**Reportable Events.** It is REE policy that certain events be reported to the next higher organizational level until it reaches the Administrator level. Personnel should follow their respective command structure to ensure that the highest management official available is informed. Instances that will be reported to the next higher organizational level include, but are not limited to:

- accidents/incidents in which there is a job-related fatality, the hospitalization of two or more persons, or property damage in excess of \$100,000;
- environmental spills or releases which must be reported to a regulatory authority;
- any regulatory visit or inspection;
- any report of deficiency from a regulatory authority (e.g., Notice of Violation); and
- News media, special interest groups, and general public inquiries.

## **External Communications**

**Public Relations.** Portions of the general public and news media may be concerned with varying degrees about the safety, health, and environmental issues at REE facilities. Each organizational unit will follow the written policies and procedures of their respective Information Staff in the event of contact by someone from the community, an interest group, or the news media. There should be one spokesperson at each level, which, if not the highest ranking official at that level, has authority to speak for the highest ranking official at that level. Contractors should never be allowed to speak on behalf of an REE agency. Prior to furnishing information to the media or public, the next highest line official will be apprised of the information released. Additionally, the Information Staff should be notified for specific guidance.

**Freedom of Information Act (FOIA) Inquires.** All FOIA inquiries will be directed to the ARS Information Staff for resolution. For further information regarding FOIA inquiries, please refer to P&P 116.0, Freedom of Information Act and Privacy Act Guidelines.

## **Records Retention**

The sensitive nature and liability associated with safety, health, and environmental records makes it imperative that they be maintained in accordance with ARS Manual 251.8, Records Management. It is REE policy to retain these records for a period of 30 years. At this time, records will be reevaluated to determine if they should be retained. Exceptions to this policy can be found in ARS Manual 251.8. Waivers may be obtained with the written permission of the Records Management Officer after consultation with SHEMA, FD.

## **10. Annual Goals and Objectives**

It is REE policy that each organizational level develops written annual goals and objectives for eliminating and/or minimizing losses as a result of accidents or incidents causing injury, illness, or property/environmental damage in the workplace. Goals and objectives will be approved and endorsed by the highest ranking official within each organizational unit (e.g., the Research Leader/Center Director at the location level). Goals and objectives encompass all aspects of the program including the following components: safety, health, environmental management (i.e., including sustainability activities), radiation safety and biological safety as applicable.

Each REE agency, Area, and location will establish written annual goals and develop intermediate objectives to meet those goals by November 30 of each year. Objectives should be clear, specific statements of measurable results that are to be accomplished within a specified time period (i.e., plan of action with milestones). These objectives provide the basis for resource allocation.

Goals and objectives should focus on continual program improvement. They should be based in part on: deficiencies noted by employees or discovered during day-to-day monitoring activities; trends discovered during internal and external inspections, audits and reviews; injuries/illnesses which occurred during the previous year as documented on OSHA's Form 300, Log of Work-



Related Injuries and Illnesses; medical surveillance records; industrial hygiene surveys; environmental releases and/or regulatory issues; pollution prevention initiatives; and Agencywide emphasis programs.

## **11. Responsibilities**

Listed below are title specific responsibilities for all organizational levels within REE. Each responsibility references the functional management duties that must be performed. Each function (individual program) within the SHEM program carries additional specific responsibilities. Please refer to the individual program for details.

### **The ARS Administrator will:**

- Initiate and maintain/oversee comprehensive and viable safety, health, environmental, radiation safety, and biological safety programs, consistent with the requirements set forth in applicable Federal, State, and local legislative and executive mandates.
- Serve or designate, as required by USDA departmental regulations, a Senior Executive Service level Deputy Administrator to serve as the REE Designated Agency Safety and Health Official (DASHO) and provide the necessary staffing, education/training, equipment, financial resources, and management support to develop and manage a comprehensive and effective REE-wide SHEM program.
- Ensure that REE employees are furnished with places and conditions of employment that are free from recognized hazards that may contribute to the occurrence of work-related injury, illness, death, or property/environmental damage.
- Ensure that administrative procedures and professional services are available for the recognition and treatment of employees' personal difficulties that may affect their safety, health, or productivity.
- Ensure prompt response to all reports of unsafe or unhealthful conditions, and establish procedures designed to ensure that no employee is subject to any interference, discrimination, or other type of reprisal for reporting such conditions or participating in REE SHEM program activities.
- Ensure that inspections, audits and reviews of REE workplaces are performed by qualified and properly equipped personnel; adequate employee representation is provided; and appropriate corrective actions are taken and documented.
- Ensure prompt abatement of unsafe and unhealthful working conditions, and ensure proper posting of notices for identified unsafe and unhealthful conditions that cannot be abated immediately.

- Ensure that safety, health, and environmental related education and training are provided for all REE employees
- Ensure participation by and consultation with employees or their representatives in safety, health, and environmental operations and activities.
- Ensure that safety, health, and environmental responsibilities are integrated within the performance standards of all managers, supervisors, and employees.
- Furnish, upon USDA's request or as directed, safety, health, and environmental related reports (annual, evaluation, investigation, etc.); statistical reports (injury, illness, property/environmental damage, loss, costs, etc.); and/or hazardous waste cleanup/funding reports.

**Administrators, Associate Administrators, Deputy Administrators, Associate Deputy Administrators, Assistant Administrators, Civil Rights Directors, National Program Leaders, and Headquarters' Staffs and Divisions or Their Subordinate Staffs will:**

- Recommend actions, based on input from knowledgeable personnel that enable REE to comply with the intent, purposes, and standards of impacting safety, health, and environmental legislation.
- Provide coordination and consultative assistance to subordinates under their jurisdiction to help them develop safety, health, environmental, radiation safety, and biological safety strategies to meet the requirements of Federal, State, and local laws and regulations.
- Include adequate funds for compliance with safety, health, and environmental standards in budgets under their jurisdiction.
- Ensure that necessary actions are taken for the prevention, control, and abatement of potentially hazardous conditions for operations and activities under their jurisdiction.
- Develop improvement plans and provide follow-up reports for corrective action measures to meet standards.
- Participate in REE-wide development of program implementation plans (i.e., goals, objectives, milestones) designed to ensure compliance with applicable Federal, State, and local laws and regulations.
- Provide review and comments, as requested, on safety, health, and environmental issues.
- Immediately notify the appropriate management official responsible for resource allocations whenever unsafe, unhealthful, environmentally damaged, or potential pollution situations arise so that appropriate actions can be taken.

- Ensure through the Biological Safety Officer that safety, health, and environmental concerns are addressed during the design/construction of biosafety facilities and within research procedures and new programs that require compliance with biosafety levels.
- Establish policy to ensure that research operations are in compliance with National Environmental Policy Act provisions.

**Area Directors and Associate Area Directors under the direction of the ARS Administrator will:**

- Exercise primary responsibility to initiate, operate, and direct a comprehensive and viable Area safety, health, environmental, radiation safety, and biological safety program, consistent with the requirements set forth in applicable legislative/executive mandates and this manual.
- Provide the necessary staffing, education/training, equipment, financial resources, and management support to develop and manage a comprehensive and viable program.
- Provide supervisory personnel and employees immediate access to applicable safety, health, and environmental standards and program elements.
- Ensure that work-related accidents, injuries, illnesses, known exposures, near misses, and environmental releases are properly reported; appropriate forms are prepared; investigations are conducted to identify causes and determine corrective actions; and corrective actions are taken to prevent recurrence and are properly documented.
- Establish written Area goals and objectives for reducing or eliminating accidents, injuries, illnesses, and damage to the environment consistent with REE-wide goals/objectives set forth by the ARS Administrator, DASHO, or SHEMB.
- Inform and hold subordinate supervisors accountable for implementing and monitoring REE program requirements and ensure that they and their employees are properly trained and prepared to carry out their SHEM responsibilities.
- Compile and approve in a timely manner overall Agencywide/Area-wide safety, health, and environmental reports, inventories, and statistics required by the ARS Administrator.
- Develop safety, health, and environmental duties and responsibilities in position descriptions of line managers, staff officials, and employees.
- Comply with NEPA requirements related to construction and program issues; conduct required environmental assessments, environmental impact statements, categorical exclusions, etc.; and record, sign, forward, and maintain copies of all project documents.

- Establish/maintain a comprehensive Environmental Management System (EMS) Area-wide program.

**Center Directors, Location Coordinators, and Research Leaders will:**

- Implement, manage, monitor, and comply with applicable Federal, State, and local laws and regulations to ensure safe, healthful, and environmentally protected workplaces.
- Inform and hold subordinate supervisors responsible for implementing and managing the REE safety, health, and environmental requirements, and ensure that they and their employees are properly educated, trained, and prepared to carry out these responsibilities.
- Provide the necessary financial resources, training, equipment, facilities and management support to subordinate employees to ensure compliance with the Federal, State, and local laws and regulations.
- Acquire and/or appoint personnel (e.g., by direct hire, contract, collateral duty, etc.) to assist in solving safety, health, environmental, radiological and biological issues and to provide a safe and healthful work environment.
- Furnish location employees with places and conditions of employment that are free from recognized hazards. Ensure recognized hazards are abated, and, if abatement is beyond the resources or ability of /location, request resources from the next higher management level to abate them. If abatement cannot be immediately achieved, ensure interim protective measures are in place to protect employees from illness and injury.
- Ensure that the Occupational Medical Surveillance Program and Employee Assistance Program (EAP) are available for the identification and treatment of employees' work-related illness and/or personal difficulties that may affect their safety, health, and/or productivity.
- Respond promptly to reports of unsafe or unhealthful conditions that threaten people, property, or the environment, and establish procedures designed to ensure that no employee is subject to any interference, discrimination, or other type of reprisal for reporting such conditions or participating in REE SHEM program activities.
- Ensure that location workplaces are inspected and audited at least annually by qualified and properly equipped personnel and adequate employee representation is provided.
- Provide prompt abatement of unsafe and unhealthful working conditions that threaten people, property, or the environment. Request resources from the next higher management level to abate hazards or conditions beyond the ability of location to abate, and ensure proper posting of notices for identified unsafe and unhealthful conditions that cannot be abated immediately.

- Provide for regulatory required and site specific safety, health, and environmental education/training including periodic updates for location employees to ensure they are current with program requirements and policies.
- Require participation by, and consultation with, employees or their representatives (i.e., unions) in the locations' safety, health, and environmental operations and activities.
- Integrate safety, health, and environmental responsibilities into the performance standards of managers, supervisors, and employees under their jurisdiction and appraise their performance accordingly.
- Obtain the necessary data and furnish safety, health, and environmental reports (e.g., annual, evaluation, accident/illness/injury, facility, investigation, etc.); statistical reports (e.g., injury, illness, property/environmental damage, loss, costs, etc.); and hazardous waste cleanup (HWC)/funding reports to the next higher management organizational level.
- Ensure OSHA's Form 300, Log of Work-Related Injuries and Illnesses, and other applicable forms are maintained at each location.
- Recommend actions that enable REE to comply with the intent and purposes of applicable standards impacting safety, health, and environmental legislation.
- Report within required deadlines environmental releases (i.e., any spilling, leaking, pumping, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment) to appropriate Federal, State, or local regulatory officials and Area/Headquarters officials.
- As required, provide support and make formal recommendations to the appropriate official concerning environmental issues and building permit procedures related to NEPA.
- Develop, implement, and maintain a viable EMS.

**The Deputy Administrator, Administrative and Financial Management, and/or Designated Agency Safety and Health Official will:**

- Recommend actions that enable REE agencies to comply with the intent, purposes, and standards of safety, health, and environmental legislation.
- Recommend policies and procedures on safety, health, and environmental standards and program elements to comply with Federal, State, and local laws and regulations.
- Inform agency line/staff officials of changes in SHEM standards and program elements to comply with Federal, State, and local laws and regulations.

- Provide oversight to ascertain that applicable safety, health, and environmental concerns/provisions are observed in agency acquisition, construction, personnel, information technology, real and personal property, contracting, and financial processes.
- Ensure the compilation and distribution of REE-wide safety, health, and environmental reports, inventories, and statistics as required.
- Administer funds appropriated to ARS for hazardous waste cleanup and compliance purposes, and provide guidance to officials on programming and budgeting for SHEM program operations/activities.
- Ensure that inspections, audits and reviews are performed to ascertain that REE agencies are in compliance or are being brought into compliance with applicable Federal, State, and local safety, health, and environmental standards. Assist in requesting resources from the next higher management level to abate hazards or conditions beyond the ability of REE locations, Areas, or divisions to abate.
- Ensure, through the USDA, Radiation Safety Division and Office of National Programs, that all safety, health, and environmental concerns are addressed within the USDA/ARS radiation safety program, as required by Federal, State, and local laws and regulations.

**ARS Deputy Area Directors (DADs) and Area Asset Managers (in accordance with Area organizational structure) will:**

- Assist line managers in identifying and allocating necessary staffing, education/training, and financial resources to develop and manage a comprehensive and viable Area SHEM program.
- Provide assistance to the AD in establishing written Area goals/objectives for reducing or eliminating accidents, injuries, illnesses, or damage to the environment.
- Provide administrative management assistance in compiling Area-wide safety, health, and environmental reports, inventories, and statistics required by the Administrator.
- Recommend actions that enable the AD to comply with the intent, purposes, and standards of impacting safety, health, and environmental legislation.
- Assist in the development of improvement plans and follow-up reports for corrective action measures to meet safety, health, and environmental standards.
- Provide supervisory personnel and employees immediate access to applicable safety, health, and environmental standards and program components.

- Ensure that accidents, injuries, illnesses, known exposures, near misses, and environmental releases are properly reported; that appropriate forms are prepared; and that investigations are conducted to identify causes and determine corrective actions; and corrective actions are taken to prevent recurrence and are properly documented.
- Participate in the development of an Agencywide/Area-wide SHEM program to ensure compliance with Federal, State, and local laws and regulations.
- Monitor Area HWC fund spending to ensure compliance with USDA HWC spending guidelines, ensure quality and accuracy of HWC Status of Funds reports for projects, and ensure HWC activities are conducted and the findings reported to Headquarters as required.
- Administratively supervise (or delegate the responsibilities); assign tasks; and monitor the performance of individual ASHMs, CEPS', Industrial Hygienists, and other safety, health, and environmental employees under their supervision. Assignments will be congruent with program goals, priorities, and objectives.

**Facilities Division, Safety, Health, and Environmental Management Branch will:**

- Develop, implement, manage, and monitor applicable safety, health, and environmental standards and programs as required by Federal, State and local laws and regulations.
- Ensure that supervisory personnel and employees know of their right to have access to applicable safety, health, and environmental standards and program elements.
- Ensure that supervisors and employees properly report accidents, injuries, illnesses, known exposures, near misses, and environmental releases; complete the appropriate forms within prescribed deadlines; conduct investigations to identify causes and determine corrective actions; and ensure corrective actions are implemented to prevent recurrence.
- Recommend actions that enable REE to comply with the intent, purposes, and standards of safety, health, and environmental legislation.
- Establish and recommend REE P&Ps on safety, health, and environmental standards and on the various program components.
- Identify and prepare correspondence and information through the DAAFM and agency line/staff officials regarding changes in SHEM standards and program elements that need to be implemented within REE. Serve as liaison with USDA officials and external regulatory offices to determine legislation; regulatory requirements; or changes in safety, health, and environmental laws and regulations that impact agency programs.

- Advise other functional areas of safety, health, and environmental related concerns which must be included in acquisition, construction, personnel, information technology, property (real/personal), contracting, energy, and financial processes.
- Obtain the necessary data and compile REE-wide safety, health, and environmental reports, inventories, and statistics as required.
- Recommend actions and provide guidance to line officials on programming and budgeting for SHEM activities.
- Conduct periodic reviews and make written assessments of the agencies' efforts to implement the REE SHEM program.
- Establish REE-wide procedures for inspecting and evaluating the effectiveness of the SHEM program at all organizational levels.
- Ensure, through the responsible property management officials, that safety, health, and environmental concerns are addressed in the acquisition and disposal of real and personal property.
- Provide policy direction and support to program officials regarding HWC funding projects; monitor Area utilization of the funding; ensure that required Status of Funds reports are prepared by ARS Area officials; and prepare REE's response to USDA.
- Provide policy direction and guidance in the preparation of Statements of Work (SOW) for preliminary assessments, site inspections, and other preremedial/remedial work for pollution prevention/ abatement/remediation projects, and serve as a Technical Evaluation Panel member as required.
- Provide policy direction and guidance in preparation of Federal, State, and local safety, health, and environmental reporting requirements.
- Serve as the ARS EMS Program Manager and provide policy direction and guidance in establishing and maintaining the system.

**Area Safety and Health Managers will:**

- Coordinate and provide technical oversight for implementation of the REE SHEM program for all Area employees, cooperators, and visitors in accordance with the laws and regulations described or listed in the Authorities section of this manual.
- Verify that Area/location programs are consistent with REE guidelines and with Federal, State, and local laws and regulations.
- Verify that known and foreseeable safety, health, and environmental concerns and radiological and biological issues are taken into consideration regarding research



activities, construction, repair and maintenance, procurement, property (real/personal), modernization and HWC projects.

- Recommend Area/location goals, objectives, and resource requirements for reducing or eliminating accidents, injuries, illnesses, and damage to the environment coordinating with other Area personnel to ensure they are congruent.
- Assist managers/supervisors in arranging for appropriate safety, health, and environmental education/training programs and provide assistance in the development, implementation, or procurement of such training.
- Verify that managers/supervisors comply with Federal, State, and local laws and rules, regulations, standards, policies, and guidance issued with respect to the REE SHEM program.
- Verify that inspections and environmental audits, of workplaces are performed at least annually, and that an abatement program is in place.
- Through appropriate management/reporting systems, monitor abatement of unsafe and unhealthful working conditions at all locations within the Area.
- Assist managers/supervisors in preparing and providing safety, health, and environmental plans, cost estimates, reports, statistics, and/or other information for the locations within the Area.
- Recommend corrective solutions/actions to ensure prompt abatement of unsafe and unhealthful working conditions.
- Conduct periodic reviews and make written assessments to their supervisors and ADs of locations' efforts to implement the REE SHEM program.
- Assist Area/location property personnel in addressing safety, health, and environmental concerns relating to the acquisition and disposal of real and personal property.
- Provide safety, health, and environmental guidance and assistance to Area/location personnel in their administration of the Area/location program, setting of program priorities, and evaluating implementation and effectiveness.
- Assist Area/location managers in reporting, as necessary, to the appropriate Federal, State, or local regulatory officials and Area/Headquarters officials environmental releases (i.e., any spilling, leaking, pumping, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment) of a listed hazardous substance in quantities equal to or greater than listed quantities.
- Provide, as required, operational safety, health, and environmental project management for Area facility construction projects and/or architect-engineer requirements or when in

receipt of delegation of authority. Review design submittals and approve from a safety, health, and environmental perspective.

- Provide, as required, technical support and make formal recommendations for construction and research-related safety, health, and environmental issues to the Area Engineer and AD concerning environmental issues related to NEPA for Area research and facility construction projects and/or A-E requirements.
- Coordinate, as required, resolution of environmental issues with appropriate Federal, State, and local environmental regulators associated with design projects and NEPA issues impacting facility design identified by the A-E.
- Review, correct, and consolidate location/Area submittals for SHEM reporting requirements as required.
- Prepare, as required, SOWs for preliminary assessments/site inspections or other preremedial/remedial work for all Area pollution prevention/abatement/remediation projects regardless of dollar value, serve as the Chairperson for the project's technical evaluation panel, and serve as the Contracting Officer's Representative as required.
- Provide technical support and make formal recommendations for implementing the REE Environmental Management program.

**Cluster Environmental Protection Specialists, Location Safety Officers, Industrial Hygienists, Collateral Duty Safety Officers (CDSOs), and Circular A-76 Contractors Providing Safety, Health, and Environmental Support, will:**

- Recommend actions that enable REE to comply with the intent, purposes, and standards of Federal, State, and local safety, health, and environmental laws and regulations.
- Assist managers/supervisors in developing and implementing the SHEM program for REE location employees, cooperators, and visitors according to USDA and Federal, State, and local laws and regulations.
- Assist managers/supervisors in designing programs at REE locations being serviced to be consistent with the SHEM program policy.
- Assist managers/supervisors in designing safety, health, and environmental compliance into location research operations, construction, repair and maintenance, and modernization projects.
- Recommend location/Area goals and objectives for reducing or eliminating accidents, injuries, illnesses, and damage to the environment.

- Arrange, conduct, and assist the location in obtaining appropriate safety, health, and environmental education/training programs and orientations for present and new employees.
- Ensure that managers/supervisors are complying with applicable Federal, State, and local laws and regulations. Report violations to higher levels of management.
- Conduct inspections and environmental audits of workplaces within the locations being serviced on a regular basis.
- Recommend prompt abatement and corrective actions for unsafe and unhealthful working conditions, facilities, equipment, and practices.
- Assist Center Directors/Location Coordinators/Research Leaders with safety, health, and environmental related plans to bring the location into compliance by developing project requirements with cost estimates, reports of violations, corrective action plans, training requirements, supporting statistics, and/or other information for the locations being serviced.
- Provide safety, health, and environmental guidance and assistance to location officials in their administration of the location programs; assist in setting safety, health, and environmental program priorities; and assist in evaluating program implementation/ effectiveness.
- Assist managers/supervisors in implementing policies/procedures that minimize or eliminate potentially hazardous conditions or adverse personal effects through chemical management strategies that reflect best practices.
- Assist Area/location officials in reporting to the appropriate Federal, State, or local regulatory officials and Area/Headquarters officials on all environmental releases (i.e., any spilling, leaking, pumping, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment) of a listed hazardous substance in quantities equal to or greater than listed quantities.
- Collect data and assist managers/supervisors in preparing location submittal for SHEM-related reporting requirements.
- As required, assist in preparing SOWs for preliminary assessments/site inspections or other preremedial/remedial work for locations being served. Serve as a technical evaluation panel member for pollution prevention/abatement/remediation projects when assigned and serve as the Contracting Officer's Representative as required.
- As required, provide technical support and make formal recommendations for location construction and research-related issues involving NEPA and building permit procedures for facility construction projects and/or A-E requirements.

**ARS Administrative Officers will:**

- Assist line managers in identifying and allocating necessary staffing, education/training, and financial resources to develop and manage a comprehensive and viable REE location program.
- Provide administrative management assistance to the Center Director/Location Coordinator/Research Leader in establishing location goals/objectives for reducing or eliminating accidents, injuries, illnesses, or damage to the environment.
- Provide administrative management assistance in compiling location safety, health, and environmental related reports, inventories, and statistics required by REE.
- Recommend actions that enable the Center Director/Location Coordinator/Research Leader to comply with the intent and purpose of standards and ARS policies impacting safety, health, and environmental legislation.
- Assist in the development of improvements, plans, and follow-up reports for corrective action measures to meet standards.
- Assist location supervisory personnel and employees in accessing applicable safety, health, and environmental standards.
- Ensure that accidents, injuries, illnesses, known exposures, near misses, and environmental releases are properly reported; that appropriate forms are prepared; and that investigations are conducted to identify causes and determine corrective actions; and corrective actions are taken to prevent recurrence and are properly documented. Verifies corrective actions have been taken. If corrective actions are beyond the resources of the location to implement, assists the Location Coordinator in requesting resources from the next higher level of management.
- Ensure OSHA's Form 300, Log of Work-Related Injuries and Illnesses, and other applicable forms are maintained.
- Participate in the development of location-wide and, in some cases, Agencywide or Area-wide SHEM programs to ensure compliance with Federal, State, and local laws and regulations.
- As applicable, monitor location HWC fund expenditures to ensure compliance with USDA guidelines; ensure quality and accuracy of HWC Status of Funds reports for location projects; and ensure that quarterly reviews of HWC activities are conducted, and the findings are reported to SHEMB.

- Administratively supervise, assign tasks, and monitor the performance of individual CEPS, Industrial Hygienists, and other safety, health, and environmental employees under their supervision. Assignments will be congruent with Agencywide or Area-wide program goals, priorities, and objectives.

**Supervisors will:**

- Furnish employees a place of employment that is free from recognized hazards that are causing or are likely to cause death or physical harm.
- Comply with applicable Federal, State, and local laws and regulations.
- Ensure that supervised employees receive new employee orientation as well as initial and recurring specialized job training appropriate to the work performed.
- Provide employees access to safety, health, and environmental related materials including regulations, EOs, standards, codes, departmental regulations, P&Ps, injury and illness statistics, etc.
- Ensure that employees are provided an opportunity to participate in the Occupational Medical Surveillance Program (OMSP), where there is recognized potential exposure to hazardous chemicals, materials, noise, radiation, or biological agents.
- Take appropriate actions to identify and correct hazardous situations caused by chemical, radiological, biological, physical, and ergonomic exposures through engineering controls, administrative controls, or as a last resort, through the use of personal protective equipment (PPE).
- Provide, train, and ensure proper use of applicable PPE and clothing.
- Monitor employee performance to ensure that work is accomplished in a manner conducive to the health and safety of themselves, their fellow employees, and the environment.
- Ensure that the AD-1010 OSHA safety poster or equivalent informing employees of the provisions of the OSH Act is posted conspicuously in the work area.
- Investigate accidents, injuries, illnesses, known exposures, near misses, and environmental releases in order to identify causes and determine corrective actions to prevent recurrence; and prepare the appropriate paperwork in accordance with Federal, State, and local laws and regulations.
- Investigate in a timely manner, any employee reports of unsafe/unhealthy working condition, and abate any hazards within their capability to abate.

- Monitor the work area to identify hazards and abate any hazards found. If abatement is delayed, post notification of the hazard and/or forbid/eliminate access to the hazardous area, and notify the next level of management if the hazards are not within their ability and/or resources to rectify.
- Prepare an abatement plan for any hazard that cannot be corrected within 30 calendar days.
- Provide official time for employee and employee representative participation in the various SHEM programs without restraint, interference, coercion, discrimination, or reprisal.

**All Employees will:**

- To the extent and scope of their authority, ensure safe and healthful workplaces.
- Comply with applicable Federal, State, and local laws and regulations.
- Ensure the proper and timely reporting of accidents, injuries, illnesses, known exposures, near misses, and environmental releases (i.e., at the time they happen or as soon as practicable); prepare the appropriate forms; and make timely notification to supervisory/management employees of the causes and corrective actions recommended to prevent recurrence which may include training.
- Perform assigned tasks (including those activities not specifically addressed by existing Federal, State, and local laws and regulations) in a manner conducive to the safety and health of themselves, their fellow employees, the public, and the environment.
- Properly use applicable safety, health, environmental, and PPE and clothing.
- Avail themselves of medical surveillance and/or counseling through the OMSP and/or Employee Assistance Program (EAP) and other voluntary programs to maintain their physical and mental health and safety in accordance with REE policies and regulations. Supervisory approval/concurrence will be acquired except where confidentiality is guaranteed.
- Participate fully in the REE program with freedom from restraint, interference, coercion, discrimination, or reprisal.
- Participate in and maintain appropriate training and certification as required to work safely.
- Correct safety, health, and environmental hazards, and notify the next level of management if they are not within their ability and resources to rectify.

## **12. Basic Employee Rights**

All REE employees have the right to:

- Work in a safe, secure, and healthy work area.
- Decline to perform an assigned task, without fear of reprisal, because of a reasonable belief that a potentially hazardous or unsafe condition exists.
- Participate in the REE SHEM program. Employees may be authorized official time to participate in activities in accordance with EO 12196, 29 CFR 1960, and this manual.
- Have access to safety, health, and environmental standards; workplace injury and illness statistics; and standard operating procedures.
- Comment on alternate safety, health, and environmental standards being proposed.
- Report and request inspections of unsafe and unhealthful working conditions to appropriate officials in accordance with 29 CFR 1960.28. If conditions are not promptly or effectively corrected or if it appears that an employee's right to report potentially hazardous conditions are being infringed upon, the employee or designated representative may seek further resolution through their respective location, Area, and Agency SHEM representative, the USDA Assistant Secretary for Administration, or OSHA, Department of Labor.

## **13. Reprisals**

REE employees will not be subject to interference, coercion, discrimination, or reprisal for filing a report of unsafe or unhealthful working conditions or for participating in the REE SHEM program. Acts of reprisal against REE employees, who disclose information which they reasonably believe evidences substantial and specific danger to public health and safety, are prohibited under 5 USC 2302(b)(8).

REE employees also have the right to decline to perform an assigned task without fear of reprisal when there is reasonable belief that, under the circumstances, the task poses an imminent risk of death or serious bodily harm, coupled with a reasonable belief that there is insufficient time to seek effective redress through normal hazard reporting and abatement procedures.

Each organizational level will ensure that these rights are protected.

### **Governing Authorities include:**

- 5 USC 2302(b)(8), Prohibited Personnel Practices;
- EO 12196, Occupational Safety and Health Program for Federal Employees;
- 29 CFR 1960.46, Agency Responsibility;

- DR 4410-004, Safety Management Program;
- DR 4070-771, Administrative Grievance System; and
- P&P 463.02, Administrative Grievance System.

Allegations of reprisal will be processed under the agencies' grievance procedures process.

## **14. Education/Training**

The Education/Training program is implemented at all REE organizational levels. The major objective of the program is to improve employee recognition of unsafe acts and conditions and to develop employee awareness regarding the need for safe work practices.

It is REE policy to comply with education/training provisions of Federal, State, and local laws and regulations. Education and training will be provided for REE employees in accordance with 29 CFR 1960 and EO 12196 with special emphasis on management and supervisory personnel, collateral duty safety and health personnel, representatives of employees, members of safety committees, and employees performing hazardous work assignments and duties.

In addition to basic safety, health, and environmental awareness training, employees need job specific training that will enable them to perform their duties safely and in compliance with applicable SHEM standards. Prior to commencing work, an employee must be trained on the hazards within that work area and on the hazards associated with the duties they will be performing. Additionally, employees must be provided training on the environmental impacts associated with their duties as well as the consequences of improper performance.

Your servicing location, Area, or Agency SHEM representative should be consulted when developing a training program for guidance.

## **15. Awards and Promotional Activities**

The Awards and Promotional Activities program is implemented at all REE organizational levels. The objective of the program is to encourage participation in the REE SHEM program by recognizing employees for their safety, health, and environmental contributions.

It is REE policy to recognize employees for outstanding contributions to the REE SHEM program. Each organizational level is encouraged to establish a program to reward employees for their safety, health, and environmental accomplishments. This can be done utilizing either monetary or non-monetary awards; the significant aspect is to recognize personnel on a recurring basis to increase program interest and awareness.

Employees are also encouraged to nominate personnel for superior SHEM contributions via other Agency awards programs and to gain external recognition from entities outside of REE such as the EPA, OSHA, etc.



## **16. Calendar of Reporting Events**

The Calendar of Reporting Events (CORE) is a list of compliance reporting requirements for each of the various SHEM programs administered within the agency and includes reports required by USDA and/or other Federal agencies.

The CORE listing does not include those requirements associated with specific activities (e.g., monitoring well installations), location specific activities (e.g., permitting), or those requirements specific to State and local authorities. These requirements are the responsibility of the location management to identify and acknowledge. The servicing location, Area, or Agency SHEM representative should be consulted when determining the reporting requirements for a location.

It is REE policy to complete the reporting requirements in a timely manner. All information supplied will be accurate and complete to the maximum extent possible. Copies of the submittal are to be maintained by the originating office and filed in an organized manner.

The CORE, as well as specific roles and responsibilities, can be found at the AFM web site. Due dates on the CORE are tentative and subject to change.

## **Safety Management**

### **17. Postings**

The Postings program is implemented at all REE organizational levels.

It is REE policy to prominently display Form AD-1010, REE Agency Specific Occupational Safety and Health Poster, and Form CA-10, What a Federal Employee Should Do When Injured at Work, in each location where REE business is conducted or where services or operations are performed. Additionally, OSHA's Form 300A, Summary of Work-Related Injuries and Illnesses, will be displayed from February 1 until April 30 each year.

These postings will be placed in prominent places and maintained in good condition. When postings are displayed on bulletin boards, no other materials will be placed to obstruct the view of the poster. Replacement posters can be obtained on the AFM web site. Depending on the nature of the agency/location's mission, there may be additional posting requirements. The servicing location, Area, or Agency SHEM representative can assist in identifying additional posting requirements.

### **18. Safety Committees**

The Safety Committee program is implemented at each location in accordance with 29 CFR 1960.36. The program establishes specific requirements for the formulation of safety and health committees. These committees are composed of representatives of management and employees

for the purpose of advising and assisting management officials with respect to the location's occupational safety and health responsibilities.

It is REE policy to establish a committee at locations having 15 or more permanent full-time employees. Additionally, all locations will appoint a safety representative. Safety committee members will meet, minimally, on a quarterly basis. Minutes from meetings will be posted or otherwise provided to employees for informational purposes.

USDA does not recognize OSHA-certified committees. 29 CFR 1960 allows agencies with certified safety committees to forego unannounced inspections by OSHA.

## **19. Facilities Design and Construction**

The Facilities Design and Construction program is implemented at all ARS organizational levels. A safe, healthful, and environmentally sound work environment is a critical objective in the design of facilities. Design requirements found in OSHA and EPA regulations, American Conference of Governmental Industrial Hygienists standards, American Society of Heating, Refrigerating, and Air-Conditioning Engineers standards, National Fire Protection Association standards, Industrial Ventilation Manual, REE P&Ps, and local building codes, must be met, at a minimum, to achieve a safe and healthful work environment. Where a conflict arises, the most stringent requirement shall govern.

ARS safety, health, and environmental design criteria and quality standards for the construction, repair, and alteration of buildings and facilities are found in Manual 242.1 and include topics such as fire protection, laboratory ventilation, hazardous materials storage, emergency egress, asbestos and lead containing materials, biological containment facilities, energy, and high performance sustainable buildings.

Responsibilities for reviewing major construction projects can be found in the Action Plan and Fact Sheet of each project undertaken by FD. Area and location level design and construction efforts will be reviewed and approved by the ASHM.

## **20. Accident/Illness Reporting, Recording, Investigation, and Analysis**

The Accident/Illness Reporting, Recording, Investigation, and Analysis program is implemented at all organizational levels in accordance with 29 CFR 1904 and 29 CFR 1960.

It is REE policy to ensure that all work-related accidents, injuries, illnesses, known exposures, near misses, and environmental releases are properly reported; appropriate forms are prepared; investigations are conducted to identify causes and determine corrective actions; and corrective actions are taken to prevent recurrence and are properly documented. Employees will report work-related accidents, injuries, illnesses, known exposures, near misses, and environmental releases to their supervisor immediately.

## **Accident Reporting**

Major accidents are defined as a work-related fatality, the hospitalization of two or more persons, or property damage in excess of \$100,000.00. Within REE, major accidents will be reported to FD, SHEMB, immediately, but no later than within four (4) hours of occurrence. The first notification will be made by telephone.

Locations will contact their Area Office as soon as a major accident occurs. The Area Office will coordinate actions and information with location personnel. The following information must be provided immediately: date, time, name and job title of reporting official, name and job title of injured employee(s), incident location, name and phone number of on-site point of contact, and a brief description of the accident.

When a major accident occurs involving a fatality or hospitalization of two or more persons, the OSHA Area Office that is nearest to the site of the incident will be notified orally by telephone or in person within eight (8) hours, but only after contacting the AD, DAD, and SHEMB office. Once the OSHA Area Office has been notified, provide SHEMB with the name and phone number of the OSHA official who was notified. SHEMB will inform the Department as soon as they receive notification (within at least eight (8) hours of a major accident.) The Department in-turn notifies OSHA headquarters.

In the event an employee suffers any injury while operating a mechanical power press, the injury must be reported to OSHA within 30 days of the accident. Please refer to 29 CFR 1910.217(g) for specific reporting requirements.

SHEMB will share causal information with other locations performing similar operations. Timely reporting may prevent similar occurrences.

## **Accident/Illness Investigation and Recording**

First line supervisors will conduct investigations and prepare a written report of work-related accidents, injuries, illnesses, known exposures, near misses, and environmental releases as soon as they receive notification that an incident has occurred. Investigations will be conducted in accordance with Federal, State, and local laws and regulations to determine causal factors, corrective actions, and to ensure actions are taken to prevent recurrence. If the first line supervisor is not available, the next level supervisor will conduct the investigation.

When a major accident occurs, initial investigative reports will be forwarded to SHEMB within three (3) calendar days of the incident. Investigative reports for major and other less serious work-related accidents, injuries, illnesses, near misses, or environmental releases will be maintained at the location.

The investigative report will include appropriate documentation on date, time, location, name and title of the injured employee(s), a description of operations, a description of the accident/incident, photographs, interviews of employees and witnesses, measurements, name and title of the investigator, and other pertinent information. A copy of the investigative report will

be forwarded to the official in charge of the workplace, the appropriate safety and health committee, and the employee representative, if any.

### **OSHA Forms 300, 300A, and 301**

Every REE location is required to maintain OSHA's Form 300, Log of Work-Related Injuries and Illnesses, (i.e., OSHA 300 Log) or equivalent in order to keep records of work-related fatalities, injuries, and illnesses in accordance with 29 CFR 1904. Locations are responsible for maintaining records of injuries and illnesses occurring at their worksites.

An injury or illness is recordable on the OSHA 300 Log if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. The work-related injury or illness will be entered on the OSHA 300 Log within seven (7) calendar days of receiving information that a recordable injury or illness has occurred. An injury or illness that results in restricted work or a job transfer will be put on the OSHA 300 Log. Work-related needle-stick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material will be entered on the OSHA 300 Log as an injury. These are considered privacy cases, so the employee's name is not entered on the OSHA 300 Log in order to protect the employee's privacy. If an employee's hearing test (audiogram) reveals that a Standard Threshold Shift (STS) has occurred, and it is determined to be work-related, the case will be recorded on the OSHA 300 Log. If an employee is occupationally exposed to anyone with a known case of active tuberculosis (TB) and that employee develops a TB infection, the case will be recorded on the OSHA 300 Log.

OSHA's Form 301, Injury and Illness Incident Report, must be completed for every recordable work-related injury or illness by the employee's supervisor. OSHA's Form 301 or equivalent will be filled out within seven (7) calendar days after receiving notification that a recordable work-related injury or illness has occurred. The information required on OSHA's Form 301 will be obtained by talking to the injured employee.

Information required on OSHA's Form 301 will assist in documenting the extent and severity of work-related incidents. The information provided on this form and the OSHA 300 Log will be utilized to assist in analyzing trends which can be used to reduce work-related injuries and illnesses. The forms will also be used to identify the leading causes of work-related injuries and illnesses at the location, Area, and Agency levels.

At the end of each calendar year, the OSHA 300 Log must be reviewed to verify the entries are complete and accurate. A summary will be completed for each location on OSHA's Form 300A, Summary of Work-Related Injuries and Illnesses. The highest ranking official at the location will certify the summary is correct and complete. A copy of the annual summary will be posted in each location in a conspicuous place or places no later than February 1 of the year following the year covered by the records and kept in place until April 30.

ERS, NASS, and NIFA employees will follow their respective reporting procedures in addition to the required reporting requirements covered in this chapter.

## 21. Public Visitor Protection

The Public Visitor Protection program is implemented at all organizational levels. Visitors to REE facilities are often exposed to the same hazards as employees. However, due to a lack of familiarity with the facility and its associated operations, they have a higher potential for an injury and/or illness. Before visitors are escorted through a facility, the following actions will be taken by the ranking supervisor or the designated representative of the area to be visited:

- Visitors will be briefed on the nature of the operation and on possible exposure to hazards. They will be informed of any required action necessary to limit or prevent exposure.
- Men and women will be advised of any hazards that may affect their reproductive health if such hazards are present.
- Where potential physical, chemical, radiological, or biological hazards exist, visitors will be escorted at all times to prevent contact/exposure to the hazards.
- If protective equipment is required in the area to be visited, it will be provided and worn. Examples are hearing protection, nonprescription eyewear, toe guards, and hard hats. Refusal of a visitor to utilize required protective equipment is considered reason to deny entry into the area.

Any incident involving visitor injury/illness (or actual harmful exposure to hazardous chemicals, radioactive materials, or biological agents) will be reported immediately to the person in charge of the area where the incident occurred. The person in charge of the area will investigate the incident and report it to the highest ranking official at the location and prepare a written report.

The ARS Office of Homeland Security also has regulations concerning visitors to REE facilities. For additional information, please contact the Area Homeland Security official.

## 22. Inspection and Abatement

The Inspection and Abatement program is implemented at each location in accordance with 29 CFR 1960, Subpart D. The primary objective of inspections is to identify hazards in the workplace that, upon correction, will result in a safer place to work. They assist personnel in determining what safeguards are necessary to eliminate or otherwise remove hazards before work-related accidents, injuries, illnesses, and/or environmental exposures/releases occur. It is REE policy that management officials and supervisory personnel:

- Ensure that personnel with sufficient technical competence (as indicated in 29 CFR 1960.25 and 1960.57) inspect all workplaces including office operations at least annually. More frequent inspections will be conducted in workplaces where there is an increased risk of accident, injury, or illness due to the nature of the work performed. Copies of inspections will be provided to the supervisor of the inspected area and to the highest

ranking official. Personnel conducting inspections will have documented training and/or experience and the equipment necessary to conduct thorough inspections of the workplaces involved.

- Ensure any notice of an unsafe or unhealthful working condition is posted at or near each place the unsafe or unhealthful working condition exists or existed. Notices will remain posted until the unsafe or unhealthful working condition has been abated.
- Ensure deficiencies are abated within 30 calendar days. If the deficiency cannot be abated within 30 calendar days, an abatement plan will be written explaining the circumstances of the delay, a proposed timetable for abatement, and a summary of interim steps being taken to protect employees from injury as a result of the unsafe or unhealthful working condition.
- Unsafe or unhealthful work conditions that are not within an employee's ability and/or resources to abate will be reported to the next level of management.
- The location will have procedures in-place and conduct follow-up inspections to ensure deficiencies have been corrected.

Inspector(s) will be designated by the highest ranking official at the location and will enlist employees' assistance in identifying and controlling or eliminating potentially hazardous conditions. All inspections and abatement actions will be in compliance with the provisions outlined in the codes and regulations located in the reference section in this manual. ARS Form 404, Safety, Health, and Environmental Inspection Checklist, serves as a guide/reference tool for conducting inspections. The ARS 404 checklist and safety deficiency/abatement forms can be found on the AFM web site.

## **Hazard Abatement Plans**

All identified workplace safety and health hazards will be addressed in a timely manner. If a condition or situation cannot be corrected within 30 days, the work area supervisor and safety representative will develop and implement a hazard abatement plan. The plan will include the following information:

- an explanation of the circumstances contributing to the delay in abatement;
- a step-by-step list of actions that must be accomplished to rectify the deficiency including timeframes to complete each action and the person responsible for each action; and
- a summary of the interim steps being taken to mitigate the hazard and protect employees.

It is the responsibility of the supervisor to provide the information contained in the plan to the employees in the work area by either posting a copy in an accessible location or by providing copies to the employees. Additionally, a copy of hazard abatement plans will be provided to the highest ranking official at the location.

## **Employee Reporting of Unsafe or Unhealthful Working Conditions**

The highest ranking official will ensure prompt attention to reports of unsafe or unhealthful working conditions by employees or others and maintain a log of these reports. The log will contain the following information: date, time, assigned file number, name of the person handling the report, location of condition, brief description of the condition, classification (imminent danger, serious or other), and date and nature of action taken to eliminate the unsafe or unhealthful working condition.

An inspection(s) will be conducted within 24 hours for employee reports of imminent danger conditions, within three (3) working days for potentially serious conditions, and within 20 working days for other than serious safety and health conditions. The employee submitting the report of unsafe or unhealthful conditions will be notified in writing within 15 days for safety violations or 30 days for health violations of the action(s) taken to eliminate the unsafe/unhealthful working condition. A written reply is required even if it is determined there are not reasonable grounds to believe a hazard exists.

## **23. Onsite Assistance Reviews**

The Onsite Assistance Review (OAR) program is implemented at all organizational levels. Recognizing that it is not always easy for managers to identify, interpret, implement, and track changes in complex Federal, State, and local SHEM requirements, REE has established the OAR program. OARs are used to periodically review the operational and administrative activities of a facility's program. They identify program strengths and weaknesses, as well as mechanisms for corrective action. The OAR checklist can be found on the AFM web site.

## **24. Controlled Substances**

The Controlled Substances program is administered by ONP in accordance with the Comprehensive Drug Abuse Prevention and Control Act. The program provides that persons who manufacture, import, distribute, dispense, or administer any controlled substances, or conducts research or chemical analysis with controlled substances, shall annually obtain a Certificate of Registration from the Drug Enforcement Administration (DEA), Department of Justice. Accordingly, the provisions of this law apply to scientists, veterinarians, chemists, and other employees engaged in dispensing of narcotic and non-narcotic controlled substances or conducting research or chemical analyses with controlled substances.

To comply with the law, REE requires registration of any employee or group of affiliated employees at one general physical location where controlled substances are distributed, dispensed, or otherwise administered in the conduct of their program work (e.g., division, branch, laboratory, etc.). No employee will engage in any activity for which registration is required until a Controlled Substances Registration Certificate, Form DEA-223, is issued by the Director, DEA. Individual State requirements may differ and must be followed.

Information on purchasing controlled and hazardous biological and radioactive substances can be found in Manual 213.3, REE Purchase Card program.

## **25. Storage, Preparation, and Consumption of Food and Beverages in Facilities**

This program is implemented at each location in accordance with 29 CFR 1910.

It is REE policy that food and beverage storage, preparation, or consumption is forbidden in research and laboratory areas and in dirty areas such as shops, storage areas, facility maintenance areas, animal areas, headhouses, greenhouses, toilet rooms, etc. Likewise, the use of laboratory heat sources, autoclaves, ovens, microwave ovens, refrigerators, freezers, ice machines, or other equipment in the preparation or storage of food or beverages for human consumption is prohibited except in human nutrition laboratories preparing food for quality or nutrition tests. Referenced equipment will be labeled either “food” or “no food storage.” Ice machines will be identified for either “not for human consumption” or “for human consumption.”

Each location will identify and approve an area or areas accessible to employees for food and beverage storage, preparation, and consumption. There will be no hazardous chemicals, biological agents, or radiological materials in any area approved for food storage, preparation, or consumption. Employees will be provided training to ensure they are aware that no eating or drinking is allowed in any laboratory. Appropriate corrective action, including disciplinary action, will be considered in those cases where violations of REE policy or Federal, State, and local laws and regulations have occurred.

## **26. Hazard Communication**

The Hazard Communication program is implemented at each location in accordance with 29 CFR 1910.1200. The objective of the program is to advise employees who work in areas where possible hazards associated with chemical, radiological or biological agents exist and to inform them of appropriate protective measures.

It is REE policy that each location is evaluated at least annually to identify the chemical, radiological and biological health hazards known to be present and to which employees may be exposed in the course of their employment. Each location will provide information and training to employees on the potential physical and health hazards that may result from exposure to chemical, radiological and biological agents in their work environment. The minimum elements of an acceptable program include:

- a written manual or document outlining the program, policies, and procedures;
- a chemical, radiological and biological inventory system that contains at a minimum the chemical name, physical location to include room number, and quantity including units;
- a Material Safety Data Sheet (MSDS) reference file system;
- procedures for labeling containers, signage, and other forms of warning; and



- training of impacted individuals, including part-time, seasonal, and temporary personnel who are identified for inclusion in the program based on a hazard assessment.

A hazard assessment will be performed for chemical, radiological and biological agents known to be present in the workplace. For the hazard assessment of chemicals, employees will rely on the hazard evaluations prepared by manufacturers and importers provided on the MSDS.

Locations will provide employees with effective information and training on hazardous materials in their work area at the time of their initial assignment, and when a new chemical, radiological or biological hazard employees have not previously been trained on is introduced into the work area.

This program does not apply to:

- any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), when subject to regulations issued under that Act by the EPA;
- any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability ACT (CERCLA), when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations;
- tobacco or tobacco products;
- wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to employees is the potential for flammability or combustibility (wood or wood products which have been treated with a hazardous chemical covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);
- articles (as that term is defined in the regulation);
- food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;
- any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act, when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishments (e.g., first aid supplies);
- cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;
- any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act and Federal Hazardous Substances Act respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended; and
- nuisance particulates where the chemical manufacture or importer can establish that they do not pose any physical or health hazard.

## **27. Standards for Federal Supply/Service Contracts and Extramural Agreements**

The Acquisition and Property Division (APD) manages this activity and it is implemented at all REE organizational levels outsourcing for supplies and services.

It is REE policy that supply and service contracts contain safety, health, and environmental related provisions. Compliance with these standards is not intended, and shall not be deemed, to relieve anyone from any other obligation he/she may have to protect the health and safety of his/her employees.

### **Safety and Health Standards for Federal Supply Contracts**

- **WALSH-HEALEY PUBLIC CONTRACTS ACT**

The Walsh-Healey Public Contracts Act requires that contracts entered into by any Federal agency for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding \$10,000 will contain, among other provisions, a stipulation that “no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract.” Stipulations on minimum wages, minimum hours, child labor, convict labor, and safe and sanitary working conditions are included in contracts. The authority for this is found in 41 CFR 50-204, Safety and Health Standards for Federal Supply Contracts.

- **HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA SHEET (MSDS)**

Contractors are required to identify hazardous materials deliverables, properly identify the materials, and submit MSDS. Government supervisors will inform employees about activities where they may be exposed to hazardous materials including symptoms of exposure, treatment, proper working conditions, precautions for safe use, and exposure routes. The Hazard Communication program and the requirement to obtain MSDSs is outlined in 29 CFR 1910.1200.

- **NOTICE OF RADIOACTIVE MATERIALS IN THE FEDERAL ACQUISITION REGULATION (FAR)**

FAR 52.223-7, Notice of Radioactive Materials, requires contractors to notify the Contracting Officer prior to delivery of radioactive materials. The Contracting Officer will insert the clause in solicitations and contracts for supplies. The Location Radiation Protection Officer is responsible for ensuring the proper license, authorization or permit is obtained prior to acceptance of the radioactive material.

- **SUSTAINABILITY**

The Energy Policy Act (EPACT), EO 13423, EO 13514, and the Energy Independence and Security Act require Federal agencies to conserve energy and water; to design, construct, and maintain sustainable facilities; and procure environmentally preferable products. Sustainability and green cleaning products are required by the REE P&P 134.2, Energy, Water, and Sustainability Policy. There is also a procurement preference for bio-based products if they are comparable in price, performance, and availability. FAR 23.7, Contracting for Environmentally Preferable Products and Services, prescribes policies for acquiring environmentally preferable products and services. In addition, the Electronic Product Environmental Assessment Tool is a mandatory on-line system to help purchasers evaluate, compare, and select desktop computers, notebooks, and monitors based on their environmental attributes.

For specific roles and responsibilities for the above-mentioned items, contact the servicing location, Area, or Agency Procurement Officer.

### **Safety and Health Standards for Federal Service Contracts**

- **McNAMARA-O'HARA SERVICE CONTRACT ACT**

The McNamara-O'Hara Service Contract Act (41 USC 351-358) requires that every contract entered into by Federal agencies in excess of \$2,500, the principal purpose of which is to furnish services through the use of service employees, must contain, among other provisions, a stipulation that "no part of the services covered by this act will be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or any subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services."

29 CFR 1925, Safety and Health Standards for Federal Service Contracts, applies to ordinary employment situations; other standards may also apply in cases of increased hazard. Neither do the standards purport to cover all of the working conditions that are unsanitary or hazardous or dangerous to the health or safety of service employees.

- **TOXIC CHEMICAL RELEASE**

Contracts are required to include provisions for the Emergency Planning and Community Right-To-Know Act (EPCRA) and the Pollution Prevention Act. These programs protect public health and the environment by providing the public with important information on the toxic chemicals being released into the air, land, and water in its communities. Compliance with this act is required under EO 13514. See Manual 230.0, Chapter 59 for REE policy concerning the implementation of the EPCRA program.

For specific roles and responsibilities for the above-mentioned items, contact the servicing location, Area, or Agency Contracting Officer.

## **Safety and Health Standards for REE Grants and Agreements**

The Extramural Agreements Division, AFM, is responsible for the development and implementation of policies and procedures governing the execution, award, and administration of grants, cooperative agreements, and memorandum of understanding (MOU) for ARS, ERS, and NASS. For the award and administration of non-assistance cooperative agreements for REE Agencies, reference 7 CFR 550, General Administrative Policy for Non-Assistance Cooperative Agreements. Additional references to the award and administration of ARS, ERS, and NASS grants, cooperative agreements, and MOUs can be found on the AFM web site.

The Office of Extramural Programs (OEP), NIFA, is responsible for the development and implementation of policies and procedures governing the execution, award, and administration of grants, cooperative agreements, and MOUs for NIFA. For NIFA grants, cooperative agreements, and MOUs, please refer to the terms and conditions of the grant award or contact the Policy Section in OEP, NIFA.

If you have questions, contact your Agency or Area Extramural Agreements Specialist for ARS, ERS, and NASS awards and the OEP Policy Section for NIFA awards.

### **Sample Statement of Work**

Locations having a need for safety, health, or environmental services may be required to submit requirements documents to their servicing contracting organizations. Requirements documents typically include a Statement of Work (SOW), an independent Government cost estimate, and funding document (i.e., AD-700, Procurement Request).

To assist locations in preparing the SOW, SHEMB has compiled a collection of sample SOWs that have been prepared for previous contract actions for environmental services. The SOWs cover activities such as environmental sampling and analysis, removal actions, remedial investigations, feasibility studies, and other related services. Questions regarding SOWs should be directed to the servicing ASHM or Agency SHEM representative.

## **Occupational Health Management**

### **28. Employee Assistance Program**

The Employee Assistance Program (EAP) is administered by the Human Resources Division and implemented at each location. The objective of the program is to provide appropriate prevention, treatment and rehabilitation programs and services to employees with emotional, personal, alcohol and/or drug abuse problems. To the extent feasible and when it will enhance the performance of the employee, such programs and services are extended to immediate family members.

REE will provide EAP services information to all employees. These programs are cost-free to employees and are designed to help employees address and overcome problems such as alcohol and drug abuse, work and family pressures, and job stress which can adversely affect performance, reliability, and personal health.

Specific policy and program implementation procedures, as well as program roles and responsibilities, can be found in DR 4430-792-1. REE employees may also visit the REE Work/Life program's web site for a list of EAP Coordinators and phone numbers.

ERS, NASS, and NIFA employees are covered under their respective EAP. Contact should be made with the agency program point of contact.

## **29. Occupational Medical Surveillance Program**

The Occupational Medical Surveillance Program (OMSP) is administered by Human Resources Division and implemented at each location. The objective of the program is to identify exposures to harmful agents and aid in the early detection of potential adverse health effects. The program is for authorized employees who work with chemical, radiological, biological and/or physical hazards.

The OMSP will be established and administered according to the procedures detailed in ARS P&P 235.0, Occupational Medical Surveillance Program. Participation in the OMSP is voluntary.

Medical evaluations required by OSHA regulations may be performed in conjunction with the OMSP; however, the OMSP should not be confused with OSHA requirements which are limited and specific to the hazard of work activity in question. The results of examinations provided under this program will be safeguarded in accordance with 5 CFR 293, Subpart E, Employee Medical File System Records.

ERS, NASS, and NIFA employees are covered under their respective OMSP. Contact should be made with the agency program point of contact.

## **30. REE Workers' Compensation Program**

The REE Workers' Compensation Program is administered by Human Resources Division and implemented at each location in accordance with the Federal Employees Compensation Act (FECA) and 20 CFR 10. The objective of the program is to provide monetary compensation, medical care, and assistance (i.e., attendance allowances), vocational rehabilitation, and Office of Personnel Management retention rights to Federal employees who sustain injuries, including occupational diseases, as a result of their employment. The Department of Labor's Office of Workers' Compensation Programs (OWCP) administers FECA in district offices located throughout the United States.

The goal is to provide quality medical assistance to employees who sustain work-related injuries or are involved in work-related accidents and to return employees to work as soon as medically feasible, which can be in a light-duty or part-time capacity.

Employees (or their designated representative in cases where the employee is incapacitated by an accident or illness) and their immediate supervisor are responsible for completing all reports necessary to protect their rights. Penalties are provided for failure to make required reports and for filing false reports. Location personnel will maintain an adequate supply of the basic OWCP forms such as CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, CA-2, Notice of Occupational Disease and Claim for Compensation, and CA-16, Authorization for Examination and/or Treatment.

Additional information can be obtained by accessing the AFM web site.

## **Industrial Hygiene**

### **31. Industrial Hygiene**

The Industrial Hygiene program is implemented at each location in accordance with 29 CFR 1910 and 29 CFR 1960. Industrial hygiene is the scientific discipline devoted to protecting the health and well-being of people by anticipating, recognizing, evaluating, and controlling adverse environmental conditions or stresses in the workplace.

It is REE policy to take appropriate actions to identify and correct hazardous situations caused by chemical, radiological, biological, physical, and ergonomic exposures. Such hazards shall be eliminated or reduced to nonhazardous levels through engineering controls, administrative controls, or as a last resort, through the use of PPE.

An effective program will, at a minimum, contain the following components:

- **Baseline Surveys:** A baseline survey is a walk-through hazard assessment of the worksite in which information is gathered and hazardous conditions are evaluated with little or no screening sampling or measurement. The need for industrial hygiene equipment at this stage of the program is limited. Data collected during the baseline phase is evaluated to determine if hazards are present and if controls appear sufficient to mitigate the hazard. Hazards that require further evaluation and potential control are prioritized during the comprehensive survey according to the degree of risk associated with the hazards.
- **Comprehensive Surveys:** A comprehensive survey is an in-depth, quantitative hazard assessment of the worksite in which complex sampling and measuring in the work environment are performed to identify the degree of hazard. An example would be the measurement of the concentration of pesticides in an applicator's breathing zone. A comprehensive assessment requires more time to conduct than a baseline survey, as well as more sophisticated industrial hygiene equipment. Because of their complexity, these

assessments may require contractor assistance. Once collected, sample results are analyzed, interpreted, and compared against standards.

- **Recommendations:** The end result of conducting baseline surveys and/or comprehensive surveys is making recommendations to control hazards and provide employee protection. Methods of engineering controls include redesign of equipment, substitution of a less hazardous chemical or procedure, and use of barriers to isolate a hazard. Administrative controls include adjustments or changes to methods, policies, and procedures. If these controls are not feasible or sufficient to reduce the hazard to an acceptable level, the use of PPE would be recommended.
- **Data and Records Management:** Data files, including survey reports, worksite-monitoring data, personal sampling results, and processed hazard data are valuable documentation of an industrial hygiene program that requires effective management. These data files can yield information for use by managers in supporting existing programs or developing new ones. OSHA 29 CFR 1910.1020 mandates that employee exposure records be maintained for at least 30 years. Records management also needs to meet regulatory and agency record requirements for access and storage of employee medical and exposure data. Records management is a continual process, and automation of the records should be utilized.
- **Training:** Training will consist of management awareness training, employee education/training, and training for personnel conducting industrial hygiene activities. This training will complement the REE Hazard Communication program that is already in place at locations.
- **Program Reviews:** Periodic reviews of the program will be conducted to ensure compliance with statutory requirements and a safe and healthful workplace. Program reviews will be coordinated by the ASHM, with the assistance of the CEPS, Location Safety Officer, and the CDSO. Periodic external reviews may be conducted by industrial hygiene professionals from outside REE. Industrial Hygiene related questions are included in the OAR, Inspection and Abatement, and CARE programs.

## 32. Asbestos Management

The Asbestos Management program is implemented at each location in accordance with PL 91-596, PL 99-519, and EO 12196. OSHA has promulgated regulations to protect employees from asbestos exposure, including 29 CFR 1910.1001, 1910.1101, and 1926.1101. EPA regulates emissions of asbestos particles under 40 CFR 60, and regulates the manufacture, importation, and processing under 40 CFR 763.

It is REE policy to protect the health of employees by limiting exposure to asbestos fibers. REE will utilize only asbestos-free products in new construction and renovation projects. Additional information regarding asbestos can be found in Manual 242.1.

The program consists of three (3) major components:

- **Planning:** Each location will develop a written plan that states the policy on protecting employees from asbestos exposure, identifies key personnel and their responsibilities, establishes methods and a timetable for identifying asbestos, establishes corrective actions as required, and outlines methods of ensuring appropriate personnel are notified.
- **Employee Information and Training:** Each location must provide employees training on the hazards and procedures for working with asbestos, including those engaged in asbestos-related work, those exposed to asbestos, and those reasonably expected to be exposed to asbestos at or above the permissible exposure limit (PEL).
- **Operations and Maintenance:** Each location will develop an operation and maintenance program to control asbestos fiber releases in facilities that contain asbestos or potentially contain asbestos.

### 33. Chemical Hygiene

The Chemical Hygiene program is implemented at each location in accordance with 29 CFR 1910.1450, Occupational Exposure to Hazardous Chemicals in Laboratories, commonly known as the “Laboratory Safety Standard.” The program applies specifically to laboratory use of hazardous chemicals and employees who may be exposed to hazardous chemicals in the course of their laboratory assignments.

Minimum written program requirements include the appointment of a Chemical Hygiene Officer; and the development of a Chemical Hygiene Plan that describes:

- basic rules and procedures;
- procedures for employee exposure determinations;
- criteria for exposure control;
- procedures for employee notification;
- procedures for operation of protective equipment;
- procedures for spill control and cleanup;
- procedures for unusual laboratory operations;
- a description of signs, labels, and other forms of warning;
- employee information and training;
- hazard assessment procedures;
- recordkeeping requirements; and
- medical consultation provisions.

The Chemical Hygiene Plan will be reviewed and evaluated at least annually and updated when a new chemical has been introduced into the laboratory.



It is REE policy to protect employees by reducing their exposure to chemicals through such mechanisms as providing appropriate laboratory equipment, PPE, information, and training. This program applies to all employees including part-time, seasonal, and temporary who work in a laboratory environment.

A hazard assessment will be performed for all chemical, radiological and biological agents known to be present in the workplace. For the hazard assessment of chemicals only, the physical and health hazard evaluation provided by chemical manufacturers and importers in their Material Safety Data Sheets (MSDS) will be utilized.

### **34. Personal Protective Equipment**

The PPE program is implemented at each location in accordance with 29 CFR 1910.132. OSHA requires employers to conduct assessments of the workplace to determine if hazards are present, or are likely to be present, which require the use of PPE. These assessments will be certified in writing and used to determine the types of PPE that will protect the affected employee from the hazards identified in the hazard assessment. Supervisors will provide employee training on the proper selection, use, and care of PPE.

It is REE policy to provide a safe and healthful workplace for employees by applying engineering or administrative controls that prevent worker exposure considered dangerous to the health and safety of employees. In cases where the manipulation of the work environment or administrative controls do not provide adequate worker protection or are not feasible, REE will provide and require the use of PPE.

### **35. Hearing Conservation**

The Hearing Conservation program is implemented at each location in accordance with 29 CFR 1910.95(c). The objective of the program is to protect employees from occupational noise induced hearing loss.

It is REE policy to conduct noise exposure assessments of work spaces and tasks. When noise exposures equal or exceed the action level of 85 decibels (dB) over an 8-hour time-weighted average (TWA), employees will be enrolled in the Hearing Conservation program. Baseline audiograms will be provided and annual hearing tests thereafter.

When employees are subjected to sound levels exceeding permissible exposure limits, engineering or administrative controls will be utilized whenever feasible. If such controls fail to reduce sound levels below permissible exposure limits, employees will be provided hearing protection. Hearing protection will also be provided to employees not yet receiving a baseline audiogram and/or who through audiometric testing are found to have experienced a standard threshold shift. In these instances, hearing protection devices will attenuate sound levels at or below 85 dB over an 8-hour TWA. Only those ear protectors that have been tested in accordance with the American National Standards Institute S12.68-2007 will be acceptable. Ear insert

devices will be fitted or determined individually by a trained and competent person. Employees will be trained annually in the proper use and care of hearing protection.

## **36. Respiratory Protection**

The Respiratory Protection program is implemented at each location in accordance with 29 CFR 1910.134. The objective of the program is to protect the health and safety of employees by determining when respirators are necessary.

It is REE policy to provide and require the use of respirators for protection only when engineering and administrative controls, such as ventilation and substitution of less toxic materials, are not feasible or have not completely controlled the identified hazards. Employees will first undergo a medical evaluation to determine their ability to use a respirator. Employees will be fit-tested and trained in the proper use and care of respiratory protection before use of a respirator, and annually thereafter.

Respiratory protection equipment will, under no circumstances, be issued or loaned to contractors or other non-REE personnel. These groups/individuals are responsible for obtaining respiratory protection through their own organizations.

## **37. ARS Ventilation and Laboratory Chemical Fume Hood Standards**

ARS Ventilation and Fume Hood Standards are implemented at each location in accordance with PL 91-596, EO 12196, and Manual 242.1. Laboratory buildings will be designed and constructed in order to avoid indoor air quality problems. Fume hoods are often an integral part of the design and are intended to protect occupants from exposure to hazardous chemicals by preventing or minimizing the escape of contaminants into the laboratory. This is accomplished by drawing air from the laboratory, past the occupants, into the hood. Once the fume hood is commissioned they must operate as designed 24 hours per day. To save energy the flow may be reduced by closing the sash and allowing setbacks of 50% when the room is unoccupied. Hoods that are shut off can re-entrain air from other hoods into the room and expose unsuspecting employees to airborne hazards.

The ability of a laboratory hood to provide adequate protection for the user depends on many factors. Prime concerns include:

- air movement and flow patterns in the room;
- turbulence within the hood workspace;
- the effect of the operator on the airflow pattern at the hood face; and
- the control velocity at the hood face.

These factors will be considered during design of the fume hood installation. In order to ensure optimal performance standards of each fume hood, the location will perform the following actions:

- **Develop an Operating Protocol for Each Fume Hood.** The protocol will include, at a minimum, the permitted uses of the hood, operating procedures, and allowable sash height (based on results of performance tests). To ensure that the hood is used at a proper sash height, the fume hood will be marked at the permissible sash height(s).
- **Train Employees.** It is the supervisor's responsibility to ensure that employees are trained to properly operate the fume hoods under their control.
- **Measure Face Velocities Annually.** Fume hood face velocities will be measured annually to ensure that their performance is acceptable. A standard protocol and form are available on the AFM web site. Hoods that fail the performance test will be taken out of service until repaired.
- **Prohibit Chemical Storage or Disposal in Fume Hood.** Fume hoods are never to be used as a waste disposal mechanism or for storage of waste materials. It is an EPA violation (Clean Air Act) to deliberately evaporate volatile chemicals in a hood unless the vapors are trapped for reuse or for approved disposal elsewhere. The fume hood is not a storage cabinet. Do not store chemicals or apparatus in the hood unless absolutely necessary. These stored materials can obstruct the airflow or exacerbate an incident or emergency in the hood. Store hazardous chemicals in an approved safety cabinet.

For more information about laboratory design including pressurization, performance standards, as well as exhaust and intake, refer to Manual 242.1.

## Environmental Management

Environmental management is a systematic approach for minimizing the impacts an organization has on the environment. It is the sum of environmental planning, protection and compliance activities integrated into an overall management system.

### 38. Environmental Management System

The Federal Government has made significant progress in improving environmental performance by mandating that Federal agencies develop and implement Environmental Management Systems (EMS). An EMS is a framework that allows an organization to consistently address the effects its activities may have on the environment. They enable facilities to reduce the environmental impact/footprint of their operations while implementing their primary mission.

Through a series of executive orders, EMS' have progressed to include not only environmental compliance requirements but also energy, transportation, and other conservation efforts, collectively called "sustainability" requirements. EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management, and EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance, establish overarching sustainability goals that agencies are required to meet, including but not limited to:

- greenhouse gas reductions;
- energy use;
- water management;
- pollution prevention and waste reduction;
- electronic stewardship; and
- green purchasing.

ARS P&P 134.2, Energy, Water, and Sustainability Plan, provides the Agency's plan for implementing the sustainability goals of EO 13423 and EO 13514. The sustainability plan establishes short term goals (i.e., annual) that the Agency needs to meet in order to realize the long term goals of the EO. The plan also provides procedures for measuring or otherwise obtaining reliable, consistent, performance metrics needed to quantify the Agency's overall progress with meeting the goals.

EMS' are the means ARS will utilize to monitor and document progress towards meeting the goals identified in the sustainability plan. Annually, each organizational level will establish goals based on those identified within the Agency's sustainability plan and develop objectives and targets to meet these goals. Projects, initiatives, and efforts should be prioritized based on the lifecycle return on investment to the agency while taking into account economic, environmental, social, and mission related costs and benefits. Once complete, progress will be documented as outlined in the sustainability plan to enable ARS to uniformly report the Agency's achievements.

Each appropriate organizational level will establish an EMS Coordinator who serves as the overall manager as well as a committee to develop and implement their EMS. The committee should consist of a cross-functional support team or teams including environmental, engineering, procurement, information technology, and others that will enable each level to address the diverse requirements under the EOs.

## **EMS Policy Statement**

The EMS Policy Statement that follows is the foundation of the REE Environmental Management program. It provides a framework for developing a proactive management model to efficiently and effectively address environmental and sustainability concerns.

It is REE policy to develop and implement an EMS at appropriate organizational levels (i.e., Agency, Area, and location) that meet or exceed the International Organization for Standardization (ISO) 14001 standard. REE is committed to protecting human health and the environment; meeting or exceeding environmental and energy Federal, State, and local laws and regulations; and employing sustainability measures and projects into our operations and facilities whenever economically and/or environmentally beneficial. Whenever feasible, REE will utilize pollution prevention initiatives as the means for achieving compliance. We will strive to minimize impacts and continually improve our environmental performance by:

- Maintaining a policy of commitment to environmental excellence.
- Considering environmental and energy impacts when making policy, planning, purchasing, and operating decisions.
- Identifying and complying with pertinent requirements in Federal, State, and local laws and regulations; permits; EOs; USDA and REE P&Ps; and industry codes that we must adhere to.
- Developing annual goals, objectives, and targets and measuring progress as we advance our program performance in terms of both regulated and unregulated impacts.
- Requesting the necessary resources to successfully carry out our goals, objectives, and targets.
- Making personnel aware of their environmental roles and responsibilities, providing appropriate training, and holding employees accountable for their performance and actions, including recognizing them for outstanding performance.
- Effectively communicating with employees, partners, stakeholders, customers, and the general public, our commitment to the environment and soliciting their input in developing and achieving our goals and objectives.
- Routinely monitoring our environmental system and conducting periodic inspections, audits, and reviews to ascertain that we meet applicable standards and to evaluate our program effectiveness.
- Correcting identified deficiencies in a timely manner and taking appropriate steps to prevent their recurrence.
- Clearly documenting and reporting the progress and achievements related to this policy.

## **EMS Declaration of Conformance**

An important component of a successful EMS is a Declaration of Conformance (i.e., a public statement that a facility's EMS conforms to a nationally accepted standard.) In order to declare conformance, a facility must undergo a formal audit by an auditor outside the scope or control of the EMS. Declaring an EMS can help assure stakeholders, the general public, and surrounding communities, of our commitment to sound environmental management. Additionally, many States have recognition programs that provide increased regulatory flexibility for facilities with a confirmed EMS.

It is REE policy to develop and maintain an EMS that conforms to the ISO 14001 standard. As such, facilities will conduct periodic audits in order to declare their EMS in conformance with the ISO standards. Specifically, EO 13423 requires that Locations have second party EMS audits conducted every three (3) years. A second party audit is an independent evaluation

conducted by reviewers outside the scope of the EMS under consideration (e.g., other Agency personnel, Contractors, Regulators, etc.). Additionally, the EO requires that facilities conduct self-audits (i.e., first party audits) in each year that a second party audit is not conducted.

The Agency has developed a Declaration of Conformance Protocol, Checklist, and Management Review Form to assist locations with conducting and documenting an audit that conforms to the ISO 14001 standard. Facilities desiring to declare conformance using other methods are acceptable as long as the standards are at least as stringent.

Facilities that are in non-conformance with the standard will develop an action plan and correct the deficiency(s) in a timely manner to bring the EMS into conformance. To declare conformance, the findings from the audit will be presented to the highest ranking official with authority over the EMS who will follow through on recommendations. Once the findings from the audit have been “recognized at the appropriate level,” the highest ranking official responsible for the EMS can declare conformance by signing a statement or letter affirming that the EMS has been properly developed and implemented (e.g., ARS Environmental Management System Declaration of Management Review Form.)

## **Environmental Planning**

It is REE policy to ensure that necessary actions are taken to integrate environmental accountability into day-to-day decision-making and long-term planning processes across all agency missions, activities, and functions.

## **39. National Environmental Policy Act**

The National Environmental Policy Act (NEPA) is administered by ONP. NEPA was established to ensure Federal agencies consider the potential impacts of their actions on the environment. As required under NEPA, USDA and ARS published regulations to supplement the Council on Environmental Quality (CEQ) guidelines for NEPA implementation. The CEQ regulations appear at 40 CFR 1500 to 1508, USDA's at 7 CFR 1b, and ARS' at 7 CFR 520.

These regulations provide managers and decision-makers a means to evaluate the direct, indirect, and cumulative environmental consequences of proposed actions at the earliest possible time (i.e., before an irreversible commitment of resources). They also specify how to document efforts to identify, evaluate, and quantify both the positive and negative environmental effects of proposed actions.

It is REE policy to fully comply with the NEPA law and applicable regulations. Whenever possible, preference will be given to avoiding or mitigating adverse environmental effects.

Within ARS, separate procedures for evaluating the environmental effects of research programs and construction projects have been established. Procedures for conducting environmental reviews of research programs/projects are described in the Handbook Peer Review of Research

Project Plans, while procedures for construction projects are described below and in ARS 242.1. The AD is responsible for making and documenting NEPA decisions. The AD has signatory authority on all final NEPA documentation. The AD will establish a process to ensure that analysis and preparation of documentation is made by appropriate staff having relevant information. The specific process should be consistent with the management structure of the Area.

## **NEPA Process for Construction Projects**

The AD will categorize each construction project upon the submission of an AD-700 form or at the earliest stage of the project planning process. One of the following types of decisions must be made for each construction project:

- Categorical Exclusion;
- Environmental Assessment (EA) leading to a “Finding of No Significant Impact (FONSI);” or an
- Environmental Impact Statement (EIS) leading to a “Record of Decision (ROD).”

Since each research project conducted at the facility will undergo separate NEPA consideration, only the physical impacts of the actual construction and repair and maintenance (R&M) on the environment need to be addressed.

Proposed projects can be categorically excluded from EA or EIS requirements if the action to be taken is noncontroversial and meets one of the following criteria:

- repair and maintenance of an existing facility, including alterations and renovations;
- planning, inventory, survey, data collection, and permit activities;
- emergency actions to protect life, property, and the environment;
- to preserve human health and safety; and
- to comply with legal requirements.

If the proposed action cannot be categorically excluded (e.g., new construction), then generally, an EA is prepared. The AD may decide to move directly to an EIS if the environmental impacts of the project are significant and/or controversial, and therefore warrant it.

An EA is a concise public document that is prepared during the planning and design phases of a construction/R&M project. The EA includes a discussion of the need for the proposed action, alternatives to the proposed action, the environmental impacts of the proposed action and its alternatives, and a listing of agencies and persons consulted. The EA will assess the direct, indirect, and cumulative effects the proposed project may have on the environment. This assessment provides the AD with the information necessary to determine whether an EIS should be prepared or if a FONSI can be made.

If the AD makes a FONSI decision, then a justification explaining why the proposed action does not have a significant impact on the environment is documented. If the EA highlights several

human or environmental impacts that are known or anticipated to be controversial, then review of the proposed action must continue to an EIS.

An EIS is a detailed document presenting an evaluation and analysis of all relevant factors where a determination is made that agency action will significantly affect the quality of the environment. The EIS process begins with the publication of a Notice of Intent in the Federal Register. The agency begins the scoping process to determine the issues to be addressed in the EIS. Public participation is encouraged during the scoping process through public hearings. Once the public hearings are concluded, a draft EIS is prepared based on the identified issues. The public is then provided a 45-day comment period for review of the draft EIS. During this time, members of the public; i.e., Federal, State, and local agencies; Native American tribes; and other interested parties can review and comment. In addition, a copy of the draft EIS will be submitted to EPA for review.

After the review process, the Agency responds to comments and incorporates these into the final document. The final EIS is published in the Federal Register for a 30-day public comment period. At the end of this time, the AD makes a decision on the proposed action. To justify and explain the course of action, a ROD is published for public review.

## **40. Funding**

EO 12088, Federal Compliance with Pollution Control Standards, requires agencies to ensure that sufficient funds for compliance with applicable pollution control standards are requested in agency budgets. Such requests will be made as required in OMB Circular A-11, Preparation and Submission of Budget Estimates.

It is REE policy to plan, program, and monitor its facilities to effectively meet or exceed environmental pollution control requirements. Each organizational unit will identify the resources necessary to carry out this policy. Additionally, each unit will maintain financial and other records to track and document amounts spent on these requirements.

Each organizational unit will request, through the budget process, at a minimum, funding and resources needed to: prevent or correct human health issues; prevent or cleanup environmental releases; correct compliance issues or violations; ensure compliance with new regulatory requirements; and meet the requirements of EOs (i.e., pollution prevention and other sustainability initiatives.)

Whenever feasible, facilities will utilize pollution prevention projects and activities to correct and prevent noncompliance with regulatory requirements.

Funding requirements should be based in part on:

- significant environmental impacts associated with facility and research related operations;
- deficiencies noted by employees discovered during day-to-day monitoring activities;



- trends discovered during internal and external inspections, audits and reviews;
- pollution prevention and sustainability initiatives; and
- Agencywide emphasis programs.

## **Hazardous Waste Cleanup Funds**

The Department has a special appropriation, the Hazardous Waste Cleanup (HWC) fund, for environmental projects associated with preremedial, remedial, and removal activities under RCRA and CERCLA. To qualify for HWC funding, projects must cost more than \$25,000. Detailed information regarding the use, request, allocation, release, obligation, and tracking of these funds can be found at ARS P&P 230.1, Tracking of Hazardous Waste Cleanup Funds.

## **Agency Funds**

Direct environmental project requirements (e.g., Clean Water Act, Clean Air Act, Safe Drinking Water Act, Pollution Prevention Act, etc.), as well as indirect costs (e.g., personnel, training, travel, auditing, etc.), are funded with agency resources. In order to receive appropriate consideration during the budget process, funding for capital improvement projects should include the compliance status in the project narrative. Pollution prevention and sustainability project narratives should include a summary of the cost payback period and/or the environmental benefits derived from the project.

## **Funding Priorities**

REE's priority for funding environmental and sustainability requirements, in descending order, follows. Funding necessary to:

- correct a potential threat to human health or the environment;
- support a signed Consent Decree, Order, or similar legally binding agreement;
- correct deficiencies cited in a regulatory inspection, notice of violation, or equivalent;
- bring the agency into compliance with a statutory requirement;
- meet the requirements of an EO; and
- demonstrate environmental leadership.

When requirements have competing priorities and resources are limited, seek to fund the requirement to a level that will eliminate or reduce the immediate concern until additional resources can be secured. Additionally, pollution prevention and sustainability projects should be prioritized based on return on investment to the agency (i.e., cost payback period) unless environmental, social, and mission related costs and benefits dictate otherwise.

## **Environmental Protection**

It is REE policy to manage, preserve, protect, and enhance our natural, historic, cultural resources, and ecological systems and habitats.

## **41. Wetlands**

The Wetlands program is implemented at each location having wetlands in accordance with Section 404 of the Clean Water Act (CWA), which is codified in 33 CFR 320-330, 40 CFR 230, 40 CFR 231, and 40 CFR 232.

Wetlands are areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, estuaries and other inland and coastal areas. They are important wildlife habitats, breeding grounds, and nurseries because of their biodiversity.

Because they are of great ecological importance, regulation of dredging and filling of coastal and freshwater wetlands has been delegated to the Army Corp of Engineers (COE). The COE issues permits for these activities after evaluation of a number of ecological factors.

It is REE policy to:

- Identify, preserve, and protect wetlands on property it owns or operates.
- Consult with the COE, EPA, the Fish and Wildlife Service (FWS), and State and local agencies when a wetland could be impacted.
- Actively work to prevent or minimize damage to wetlands resulting from construction or other activities or operations.

## **42. Coastal Zone Act**

The Coastal Zone Act is implemented at each location having a coastal zone in accordance with 15 CFR 930. The Act authorizes coastal States with approved programs and plans to protect their coastal resources.

It is REE policy to ensure the actions affecting land or water use in coastal zones are coordinated with the State Coastal Zone Act office, and to the maximum extent practicable, comply with State Coastal Zone Act programs. REE will preserve, protect, and where possible, restore or enhance valuable natural coastal resources.

## **43. Endangered Species Act**

The Endangered Species Act is implemented at each location having threatened or endangered plants or animals in accordance with 50 CFR.

It is REE policy to:

- Identify, preserve, and protect threatened and endangered species and their critical habitat on property it owns or operates.
- Consult with the Fish and Wildlife Service (FWS) and other agencies having jurisdiction when threatened or endangered species or a critical habitat could be impacted.
- Develop, implement, monitor, and evaluate management and recovery plans for threatened and endangered species.
- Actively work to prevent or minimize damage to critical habitats or taking of threatened or endangered species as a result of construction or other activities or operations.

#### **44. Fish and Wildlife Populations and Habitats**

The Fish and Wildlife Populations and Habitats program is implemented at each location in accordance with 50 CFR.

It is REE policy to:

- Identify, preserve, and protect fish and wildlife populations and habitats on property it owns or operates.
- Consult with the FWS and State fish and game agencies in developing, implementing, managing, and evaluating plans for fish and wildlife management, habitat management, and improvement.
- Consult with FWS and State fish and game agencies before taking actions that could affect fish and game populations or their habitats.
- Actively work to prevent or minimize damage to fish and wildlife populations and their habitats resulting from construction or other activities or operations.

#### **45. Invasive Species**

The Invasive Species program is implemented at each location in accordance with EO 13112, Invasive Species. The objective of the program is to control the release of invasive species into the environment to minimize the economic, ecological and human health impacts.

It is REE policy to restrict the introduction of invasive organisms into the natural environment in accordance with EO 13112.

## **46. Outdoor Recreation**

The Outdoor Recreation program is administered by the Real Property Management Branch (RPMB), FD, and is implemented at each location.

It is REE policy to:

- Provide outdoor recreational opportunities in accordance with an outdoor recreation plan developed in coordination with Federal and State recreation agencies.
- Actively work to prevent or minimize damage to property, facilities, and natural and other resources resulting from outdoor recreational activities or operations.

## **47. National Historical Preservation Act**

The National Historical Preservation Act is administered by RPMB, FD, in accordance with Sections 106 and 110 of the Act, and implemented at each location with historical, cultural, and/or archaeological significance.

It is REE policy to:

- Identify, preserve, and protect historical, cultural, and archaeological sites, districts, and objects on property it owns or operates.
- Consult with the State Historical Preservation Officer Advisory Council on Historical Preservation and other experts, including local Indian tribes, when an historical, cultural, or archaeological site, district, and object could be impacted.
- Actively work to prevent or minimize damage to any known or suspected historical, cultural, or archaeological site, district, or object resulting from construction or other activities or operations.

## **48. Pollution Prevention**

The Pollution Prevention program is implemented at each location in accordance with the Pollution Prevention Act, EO 13423, and EO 13514. The objective of the program is to reduce or eliminate equipment, processes and activities which use toxic chemicals and/or generate hazardous waste.

REE is committed to using source reduction as the means of choice for pollution prevention. Where pollution prevention/source reduction activities are discretionary, REE will strive to minimize the acquisition, procurement, use, and disposal of hazardous substances and toxic chemicals. Where source reduction is impractical, REE will follow the hierarchy of pollution

prevention; namely, reuse, environmentally safe recycling, and, as a last resort, responsible treatment or disposal/release to the environment.

It is REE policy to:

- Reduce releases and offsite transfers of hazardous substances and toxic chemicals and other pollutants as provided in EO 13514.
- Reduce the use of selected priority chemicals and the generation of toxic and hazardous wastes as provided in EO 13514.
- Utilize EMS' as the means to monitor and document progress towards meeting pollution prevention goals.

## **49. Sustainability**

The Sustainability program is implemented at each location in accordance with EO 13423 and EO 13514. REE is committed to fostering a clean energy economy and to improving the environment by conducting operations in a sustainable and environmentally responsible manner. The overarching framework of the sustainability plan will be incorporated into the EMS.

It is REE policy to:

- Reduce our reliance on nonrenewable energy and related environmental impacts by improving energy conservation, increasing efficiency, and promoting renewable energy technologies.
- Conserve and protect water resources by identifying water inefficiencies and implementing conservation projects and practices.
- Implement sustainable acquisition practices for recycled content, energy efficient, bio-based, and environmentally preferable products and services.
- Promote electronic stewardship for the three (3) life-cycle phases of electronic products: acquisition, operations and maintenance, and end-of-life management.
- Support green transportation and travel practices that reduce harmful emissions, increase operational and fuel efficiency, and reduce nonrenewable fuel use.
- Plan, design, construct, and operate our facilities including landscaping utilizing sustainable practices.
- Utilize EMS' as the means to monitor and document progress towards meeting our sustainability goals.

## 50. Oil Pollution Act

The Oil Pollution Act is implemented at each location meeting oil storage thresholds shown below in accordance with 40 CFR 112. The objectives of this program are to minimize the potential for releases of oil and other petroleum products and to ensure that reporting procedures and response capabilities are in place to minimize damage to property and natural resources in the event of a release.

It is REE policy that locations with 42,000 gallons or more of completely buried oil storage capacity or 1,320 gallons or more of aggregate above-ground oil storage capacity will prepare and maintain a spill prevention, control, and countermeasures plan. Additionally, locations will report releases or discharges of oil or petroleum products in accordance with 40 CFR 300 and the Accident/Illness Reporting, Recording, Investigation, and Analysis and CERCLA chapters of this manual.

## 51. Underground Storage Tanks

The Underground Storage Tank (UST) program is implemented at each location having regulated USTs in accordance with 40 CFR 280 to 282. A tank is considered to be a UST for the purpose of this program if:

- more than 10 percent of its volume (including connected underground piping) is beneath the ground;
- its capacity is greater than 110 gallons;
- it contains a regulated substance. This includes any substance defined as hazardous in Section 101(14) of CERCLA, with the exception of those substances regulated as a hazardous waste under Subtitle C of RCRA. It also includes petroleum (e.g., crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure); and
- it meets a more stringent State or local definition of a UST (e.g., many States regulate tanks used to store heating fuel.)

Examples of tanks that are NOT considered USTs include: septic tanks; surface impoundments, pits, ponds or lagoons; storm water or waste water collection systems; pipeline facilities; emergency overflow containment systems that are expeditiously emptied after use; flow-through process tanks; tanks used for storing heating oil; and systems that contain a de minimis concentration of regulated substances. Additionally, tanks situated in an underground area (such as a basement, cellar, mine-working shaft, or tunnel) are not considered USTs if they are situated upon or above the surface of the floor.

It should be noted that REE does not recognize the “farm” exemption that Federal, State and local regulations may have in place because ARS facilities are government operated research facilities, not farms.

Requirements for USTs that are used to store substances regulated as hazardous wastes under RCRA can be found in 40 CFR 264 and 265.

It is REE policy to protect human health and the environment by:

- Monitoring/testing storage tanks to ensure that they are not leaking.
- Removing, repairing, or replacing storage tanks found to be leaking.
- Correcting conditions caused by overfills or leaking systems.
- Removing, replacing, or upgrading storage tanks to meet established regulatory requirements.
- Identifying storage tanks and maintaining records related to the storage tank program.
- Educating and training personnel on the storage tank program.
- Complying with Federal, State and local laws and regulations pertaining to storage tanks.

## **52. Ozone-Depleting Substances**

The Ozone-Depleting Substances (ODS) program is implemented at each location having ODS in accordance with 40 CFR 82, EO 13423, and EO 13514. The objective of the program is to phase out ODS. ODS are those chemicals the EPA has found to cause or contribute significantly to harmful effects on the stratospheric ozone layer. Examples of ODS include refrigeration equipment, solvents, and foam blowing agents.

The production of class I ODS have been phased out with the exception of several chemicals that are considered “essential use” substances for which there are no substitutes. One such exemption is for chemicals used in essential laboratory and analytical methods (e.g., methyl bromide.) Laboratory uses include: equipment calibration; use as extraction solvents, diluents or carriers for chemical analysis; biochemical research; inert solvents for chemical reactions, as a carrier or laboratory chemical; and other critical analytical and laboratory purposes. Each lab is required to annually certify to companies whom they are purchasing Class 1 ODS from that the substance(s) will only be utilized for essential laboratory applications and will not be resold or used in manufacturing. A copy of the Laboratory Certification Report, EPA Form 5900-152, can be found on the AFM web site.

It is REE policy to:

- Phase out the procurement of ODS and ODS-containing equipment as the equipment reaches the end of its expected service life or when leaks warrant replacement.
- Seek out and use safe alternative chemicals and technologies to replace ODS in existing applications and in new processes, programs, and procedures to the maximum extent feasible.

- Contact the Department of Defense (DOD), ODS Reserve Program Office, 8000 Jefferson Davis Highway, Richmond, Virginia 23297, telephone 804-279-4525, e-mail [odsreserve@dscr.dla.mil](mailto:odsreserve@dscr.dla.mil) prior to disposal of ODS removed or reclaimed from facilities or equipment. DOD has a need for these materials and will pay for shipping.

Each location is required to maintain servicing records of equipment/systems that utilize over 50 pounds of ODS, including the date and type of service as well as the quantity of refrigerant added. When selecting chemical substitutes to ODS, preference will be given to non-ozone depleting chemicals, if feasible and economically practicable. If no substitute is available, priority will be given to selecting substitutes with low ozone-depletion potential and/or low global-warming potential. The manufacturer can provide this information either from an MSDS or other supplemental material.

For further information regarding the procurement of ODS and equipment requiring ODS, please contact the Acquisition and Property Division. For further information regarding systems prohibiting ODS, please refer to Manual 242.1.

## **Environmental Compliance**

Environmental compliance focuses on meeting or exceeding minimum standards promulgated or established in Federal, State, and local statutes, laws, ordinances, regulations, orders, permits, and other applicable environmental requirements.

Failure to comply with legal requirements or to follow Executive branch policy and guidance can have serious implications for REE and responsible individuals. These implications can include enforcement actions and civil and criminal sanctions, including substantial fines and/or even imprisonment.

Although the Administrator is responsible for overall environmental compliance, an employee, supervisor, or director of a location or Area also has responsibility and could potentially be prosecuted in cases of willful violations of Federal, State, or local laws and regulations. All personnel will act within the scope of their duties to be eligible for the legal protection of the agency. Noncompliance with, or violation of, environmental requirements may, as provided in the governing law, result in the regulatory agency (e.g., EPA, the Department of Justice, State or local government) taking any of the following actions:

- issuance of a warning letter;
- issuance of an administrative order;
- assessment of an administrative civil penalty;
- a permit action;
- institution of a civil action; and
- institution of a criminal action.

In most laws, the monetary sanctions for noncompliance or violation depend on the potential for harm and the extent and frequency of deviation from the requirement.



## **53. Clean Air Act**

The Clean Air Act (CAA) is implemented at each location having regulated air emissions in accordance with 40 CFR 50 to 99. The CAA is a series of detailed air pollution control requirements that the Federal Government implements and the States administer. It is, therefore, paramount that REE facility managers become familiar with the applicable State regulations.

It is REE policy to comply with applicable Federal, State, interstate, regional, and local requirements, permits, administrative orders, processes, and sanctions regarding the control and abatement of air pollution. This includes both substantive and procedural requirements as well as the payment of fees, which are directly related to the facility review or permitting process.

The major requirements of the CAA include:

- obtaining permits for regulated air pollutant sources;
- maintaining emissions within permitted levels;
- complying with State Implementation Plan requirements;
- ensuring chlorofluorocarbon (CFC) technicians attend EPA-certified training courses;
- ensuring that CFC recovery/recycling equipment is certified to EPA standards and venting prohibitions are maintained;
- managing facilities with asbestos-containing material (ACM) and conducting ACM removals in conformance with the air toxic program requirements;
- complying with applicable Federal controls on mobile sources and their fuel;
- developing risk management plans where required;
- managing facility construction and modification; and
- maintaining required records and documentation.

## **54. Clean Water Act**

The CWA is implemented at each location having regulated discharges in accordance with 40 CFR 100 to 136, 140, 230 to 233, 401 to 471, and 501 to 503. The CWA establishes national programs for the prevention, reduction, and elimination of pollution in navigable water and ground water. It also sets water quality standards and required permits for discharge and treatment of waste water and storm water.

It is REE policy to adopt measures consistent with applicable Federal, State, and local laws and regulations to prevent or control the discharge of pollutants into ground or surface waters. Waste water treatment facilities and nonpoint source activities must be managed to avoid creating health hazards and nuisance conditions, to restore or maintain the quality of characteristics of water resources, and to prevent future pollution or degradation of surface or ground waters. Where facilities or activities are not in compliance, corrective actions will be applied, including technical solutions and management actions that provide for restricted use, temporary closure, or permanent closure.

The major requirements of the CWA include:

- obtaining national and/or State Pollutant Discharge Elimination System permits and managing direct discharges in compliance with permit conditions;
- monitoring, recording, and reporting pollutant effluent concentrations;
- managing discharges to publicly owned treatment works in accordance with established Federal, State, and local pretreatment standards;
- managing domestic treatment works in accordance with sludge requirements;
- applying for COE section 404 dredge and fill permits for construction projects;
- developing, implementing, and maintaining storm water pollution prevention plans;
- obtaining necessary permits;
- developing Spill Prevention, Control, and Countermeasure Plans; and
- meeting State sediment and erosion control requirements.

## **55. Safe Drinking Water Act**

The Safe Drinking Water Act is implemented at each location that provides its own drinking water supply in accordance with 40 CFR 141 to 143. The objective is to provide safe drinking water for the public and personnel through compliance with standards established by the EPA as well as applicable State and local agencies.

It is REE policy to adopt measures consistent with applicable Federal, State, and local laws and regulations to provide safe and protected drinking water. Where facilities are not in compliance, corrective measures will be applied, including technical solutions and management actions that may result in making drinking water unavailable for human consumption.

## **56. Resource Conservation and Recovery Act**

The Resource Conservation and Recovery Act (RCRA) is implemented at each location that produces solid/hazardous waste in accordance with 40 CFR 239 to 279. The objective of this program is to procure, use, and dispose of materials in a manner that minimizes waste production, conserves natural resources, and prevents adverse effects to human health or the environment.

It is REE policy to comply with applicable Federal, State, and local laws and regulations regarding solid and hazardous waste management. REE is committed to using source reduction as the primary means of reducing waste. When source reduction is impractical, REE will reuse, recycle, or reprocess wastes to the maximum extent feasible.

In order to determine which rules and regulations apply to the wastes generated at a facility, a written determination must be made as to whether or not the waste is hazardous. A waste is considered hazardous if it is identified on any of the EPA hazardous waste lists or if it exhibits one or more hazardous waste characteristics.

Nonhazardous solid waste will be disposed in permitted sanitary landfills or through treatment by incineration in permitted facilities. Hazardous wastes are managed much more stringently and must be tracked from the time they are generated until their final disposition. Hazardous waste requirements vary depending on the quantity generated, commonly referred to as the generator status. It is therefore imperative that locations determine their generator status by maintaining a monthly inventory of hazardous waste generated. In an effort to reduce potential harm to human health and/or the environment as well as to reduce liability, REE has established several best management practices to be followed regardless of generator status, including:

- Each location will maintain hazardous waste disposal records. Locations that are not required to manifest their waste will maintain an ongoing inventory of hazardous waste that includes at a minimum: date removed from marshalling area, contents of the container(s), quantity and units (e.g., pounds, kilograms, etc), and who took possession of the hazardous waste. Disposal records will be maintained indefinitely.
- Within satellite accumulation areas (SAA), hazardous waste will be collected in a container "at or near the point of generation." A sign will be posted designating the SAA. Containers will be labeled with the words "Hazardous Waste", appropriate warning labels, and the contents of the container. SAA will have compatible secondary containment and containers will not contain more than 55 gallons of hazardous waste or 1 quart acutely hazardous waste. Waste will be disposed of or moved to the marshalling area prior to reaching the above thresholds.
- Within the marshalling area, hazardous waste containers will be labeled with the words "Hazardous Waste", appropriate warning labels, the contents of the container, and the accumulation start date. Marshalling areas will have compatible secondary containment, a fire extinguisher, a "No Smoking" sign, and a means of communication (e.g., walkie-talkie, telephone, or cellular phone) in the event of a spill or other emergency.
- Follow State or local government regulations if they have more stringent requirements.

The universal waste rule streamlines the management requirements for certain types of waste that would otherwise be subject to full RCRA hazardous waste regulations. Universal waste regulations apply to four types of hazardous waste. If a waste is determined to be hazardous by the generator and is classified as a battery, pesticide, mercury-containing equipment, or fluorescent tube or lamp, it may be managed within the relaxed universal waste standards.

Because the universal waste regulation is less stringent than the RCRA hazardous waste requirements, States are not required to adopt it. States may adopt the universal waste regulation in its entirety or portions of it. Conversely, States may add wastes to their universal waste programs without the EPA adding the waste to the federal program. For example, some States have added paint waste to their universal waste program.

Finally, locations that dispose of hazardous waste must have a functioning waste minimization/pollution prevention program to reduce the volume and toxicity of the waste generated as required.

## **57. Comprehensive Environmental Response, Compensation, and Liability Act**

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is implemented at each location in accordance with 40 CFR 300 to 399. CERCLA, also known as Superfund, is the primary statute for the cleanup of hazardous substances releases or threatened releases. CERCLA also grants authority permitting the recovery of response/cleanup costs from other responsible parties. CERCLA's implementing regulations, the National Oil and Hazardous Substances Pollution Contingency Plan, detail the procedures and standards that must be followed for remediating these sites. EO 12580, Superfund Implementation, delegates to USDA authority for conducting CERCLA investigations and cleanups.

It is REE policy to:

- Identify and evaluate potential problems associated with inactive hazardous waste disposal sites.
- Prevent or mitigate the release of hazardous substances from such facilities.
- Minimize potential hazards to safety, health, and the environment that may result from these facilities.
- Undertake CERCLA investigation and cleanup activities under the Department's authority, when practicable.
- Comply with the National Contingency Plan in reporting and responding to releases or threatened releases of hazardous substances.

The major requirements of CERCLA regarding cleanup activities of inactive hazardous waste disposal sites include:

- conducting a preliminary assessment, site investigation, listing on the National Priorities List, remedial investigation, feasibility study, record of decision, remedial design, remedial action, and (if applicable) long-term operation and maintenance;
- performing required community relations activities throughout the cleanup process;
- implementing operation and maintenance activities;
- negotiating and maintaining cleanup schedules in conformance with interagency agreements (IAGs);
- conducting 5-year reviews of remedial actions; and
- maintaining institutional controls (e.g., land and water use restriction and well drilling prohibitions.)

The major requirements of CERCLA regarding hazardous substance releases include:

- managing hazardous substances properly to avoid spills and releases;
- reporting hazardous substance releases to the National Response Center; and
- providing the necessary support via in-house personnel, contracts, cooperative agreements, or IAGs to conduct cleanup activities.

## **58. Emergency Planning and Community Right-to-Know Act**

The Emergency Planning and Community Right-to-Know Act (EPCRA) is implemented at each location meeting varying chemical usage and storage thresholds in accordance with 40 CFR Part 302, 350, 355, 370, 372, and 374. Title III of the Superfund Amendments and Reauthorization Act is the EPCRA. It is intended to encourage and support emergency planning efforts at the State and local levels. It provides citizens and local governments with information concerning potential chemical hazards present in their communities. It provides a mechanism for responding to releases of acutely hazardous materials that may endanger the surrounding community. Compliance with the act is required under EO 13514.

It is REE policy to work closely with the public and local emergency planning committees to provide them with information they need both to protect the public and inform the public about toxic and hazardous chemicals and hazardous substances used by and stored at facilities in their communities. The public will be afforded ready access to strategies, plans, and reports that are required to be prepared in association with the release of such substances, pollutants, or contaminants.

## **59. Toxic Substances Control Act**

The Toxic Substances Control Act (TSCA) is implemented at each location in accordance with 40 CFR 700 to 799. The primary objective of this program is to develop information on toxic substances and regulate those that present an unreasonable risk. The Act authorizes EPA to establish and regulate chemical substances so as to minimize hazards to health and damage to the environment.

TSCA requires that any chemical be tested for possible toxic effects prior to commercial manufacture and existing chemicals that pose health and/or environmental hazards be tracked and reported. Additionally, TSCA addresses the management, cleanup and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead-based paint.

It is REE policy to:

- Adopt measures consistent with applicable Federal, State, and local laws and regulations to control hazardous and toxic materials and substances.

- Implement best management practices in the research, development, procurement, production, use, handling, storage, and ultimate disposal of hazardous and toxic materials.
- Give priority to establishing measures required to protect health or control pollution.
- Use nonhazardous or nontoxic substitutes to a practicable extent.
- Conserve resources and manage hazardous and toxic materials by reprocessing, recycling, and reusing.

Where facilities or activities are not in compliance, corrective actions shall be applied which may include technical solutions and management actions that effectively control hazardous and toxic materials in the environment.

## **60. Federal Insecticide, Fungicide, and Rodenticide Act**

The Federal Insecticide, Fungicide and Rodenticide Act is implemented at each location and administered by ONP. REE policy, procedures, responsibilities, and guidelines regarding the storage, handling, use, and disposal of pesticides and containers can be found in P&P 600.12, Guidelines and Precautions to be Taken by Personnel in Storing, Using, Handling, and Disposing of Agricultural Chemical Pesticides.

Additional EPA regulations for protecting agricultural workers can be found in 40 CFR 170, Worker Protection Standard.

## **61. Reporting Hazardous Substance Activity When Selling or Transferring Real Property**

This program is administered by RPMB, FD. The primary objective of this program is to provide procedures for implementing EPA's regulations at 40 CFR 373, Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property.

Reports of excess real property are to include information concerning any hazardous substance activity, as defined by 40 CFR 373, which took place on the property. Hazardous substance activity includes situations where any hazardous substance was stored for one year or more, known to have been released, or disposed of on the property.

The real property being reported as excess must be evaluated to determine if the property and/or recommended method of disposal is dangerous or hazardous to health and safety. An environmental site assessment (ESA) to document the condition of the property is necessary to meet these requirements. The landholding agency will provide all information concerning hazardous substance activity including the type and quantity of such hazardous substance and the time at which such storage, release, or disposal took place.

If the property is known to contain asbestos, all such information will be provided in the transfer. Additionally, any facility where radioactive materials have been used must be decommissioned to allow unrestricted use.

The disposal agency will include a Notice of Hazardous Substance Activity Statement indicating that all remedial action necessary to protect human health and the environment with respect to hazardous substance activity has been taken during the time the property was owned and that any additional remedial action found to be necessary with respect to any substance remaining on the property will be conducted.

For specific details, refer to Chapter 8, Disposal of Real Property and Related Personal Property, Manual 245.1, Real Property Manual.

## **62. Compliance Auditing**

The Compliance Auditing program is implemented at each location in accordance with EO 13423, which requires that periodic environmental compliance audits be conducted. An environmental compliance audit is a systematic, documented, objective review of mission and facility operations to ensure compliance with applicable Federal, State, and local laws and regulations as well as agency-specific P&Ps. Audits are not meant to replace routine compliance monitoring necessary to ensure compliance. One major benefit of self-auditing is EPA's practice of setting a higher priority on inspecting facilities that do not have a self-auditing program.

It is REE policy to:

- Conduct environmental compliance audits at each location at least annually. A copy of the audit report will be provided to the highest ranking official at the location.
- Identify and remediate deficiencies and conditions that potentially violate applicable environmental standards, impede or interrupt the REE mission, or bring adverse publicity.

Audits will encompass all mission and facility operations at a location. Management reviews, such as OARs and EMS Declaration of Conformance Reviews are procedural reviews and may not be conducted in lieu of environmental compliance audits. Facilities are encouraged to utilize the annual ARS Inspection/Abatement program, which has an environmental component, as the primary compliance audit tool.

It is imperative that identified deficiencies and conditions that violate applicable standards be properly addressed. It is EPA's policy to apply more stringent enforcement actions in instances where a facility has failed to address deficiencies identified during a self-audit. These actions can be considered willful violations of environmental laws and regulations, and hence, the implications can include enforcement actions and civil and criminal sanctions, including substantial fines and/or even imprisonment.

EDWARD B. KNIPLING  
Administrator  
Agricultural Research Service

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Date